



House of Representatives

File No. 841

General Assembly

January Session, 2005

(Reprint of File No. 233)

Substitute House Bill No. 6669
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
June 4, 2005

**AN ACT CONCERNING ABSENTEE VOTING, ELECTIONS
ENFORCEMENT, A VOTING TECHNOLOGY STANDARDS BOARD,
NOMINATION PROCEDURES, TRAINING FOR ELECTION OFFICIALS,
CAMPAIGN FINANCE REPORTING, RESTORATION OF VOTING
RIGHTS AND VOTER REGISTRATION.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 9-135 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005, and*
3 *applicable to elections, primaries and referenda held on or after September 1,*
4 *2005*):

5 (a) Any elector eligible to vote at a primary or an election and any
6 person eligible to vote at a referendum may vote by absentee ballot if
7 he is unable to appear at his polling place during the hours of voting
8 for any of the following reasons: (1) His active service with the armed
9 forces of the United States; (2) his absence from the town of his voting
10 residence during all of the hours of voting; (3) his illness; (4) his
11 physical disability; (5) the tenets of his religion forbid secular activity
12 on the day of the primary, election or referendum; or (6) the required

13 performance of his duties as a primary, election or referendum official
14 at a polling place other than his own during all of the hours of voting
15 at such primary, election or referendum.

16 (b) No person shall misrepresent the eligibility requirements for
17 voting by absentee ballot prescribed in subsection (a) of this section, to
18 any elector or prospective absentee ballot applicant.

19 Sec. 2. Subsection (a) of section 9-140 of the general statutes is
20 repealed and the following is substituted in lieu thereof (*Effective July*
21 *1, 2005, and applicable to elections, primaries and referenda held on or after*
22 *September 1, 2005*):

23 (a) Application for an absentee ballot shall be made to the clerk of
24 the municipality in which the applicant is eligible to vote or has
25 applied for such eligibility. Any person who assists another person in
26 the completion of an application shall, in the space provided, sign the
27 application and print or type his name, residence address and
28 telephone number. Such signature shall be made under the penalties of
29 false statement in absentee balloting. The municipal clerk shall not
30 invalidate the application solely because it does not contain the name
31 of a person who assisted the applicant in the completion of the
32 application. The municipal clerk shall not distribute with an absentee
33 ballot application any material which promotes the success or defeat of
34 any candidate or referendum question. The municipal clerk shall
35 maintain a log of all absentee ballot applications provided under this
36 subsection, including the name and address of each person to whom
37 applications are provided and the number of applications provided to
38 each such person. Each absentee ballot application provided by the
39 municipal clerk shall be consecutively numbered and be stamped or
40 marked with the name of the municipality issuing the application. The
41 application shall be signed by the applicant under the penalties of false
42 statement in absentee balloting on (1) the form prescribed by the
43 Secretary of the State pursuant to section 9-139a, (2) a form provided
44 by any federal department or agency if applicable pursuant to section
45 9-153a, or (3) any of the special forms of application prescribed

46 pursuant to section 9-150c, 9-153a, 9-153b, 9-153d, 9-153e, 9-153f or 9-
47 158d, if applicable. Any such absentee ballot applicant who is unable
48 to write may cause the application to be completed by an authorized
49 agent who shall, in the spaces provided for the date and signature,
50 write the date and name of the absentee ballot applicant followed by
51 the word "by" and his own signature. If the ballot is to be mailed to the
52 applicant, the applicant shall list the bona fide personal mailing
53 address of the applicant in the appropriate space on the application.

54 Sec. 3. Section 9-140 of the general statutes is amended by adding
55 subsections (k) to (o), inclusive, as follows (*Effective July 1, 2005, and*
56 *applicable to elections, primaries and referenda held on or after September 1,*
57 *2005*):

58 (NEW) (k) (1) A person shall register with the town clerk before
59 distributing five or more absentee ballot applications for an election,
60 primary or referendum, not including applications distributed to such
61 person's immediate family. Such requirement shall not apply to a
62 person who is the designee of an applicant.

63 (2) Any person who distributes absentee ballot applications shall
64 maintain a list of the names and addresses of prospective absentee
65 ballot applicants who receive such applications, and shall file such list
66 with the town clerk prior to the date of the primary, election or
67 referendum for which the applications were so distributed. Any
68 person who distributes absentee ballot applications and receives an
69 executed application shall forthwith file the application with the town
70 clerk.

71 (NEW) (l) No candidate, party or political committee, or agent of
72 such candidate or committee shall mail unsolicited applications for
73 absentee ballots to any person, unless such mailing includes: (1) A
74 written explanation of the eligibility requirements for voting by
75 absentee ballot as prescribed in subsection (a) of section 9-135, as
76 amended by this act, and (2) a written warning that voting or
77 attempting to vote by absentee ballot without meeting one or more of

78 such eligibility requirements subjects the elector or applicant to
79 potential civil and criminal penalties. As used in this subsection,
80 "agent" means any person authorized to act on behalf of another
81 person.

82 (NEW) (m) The Secretary of the State shall conspicuously post on
83 the Secretary of the State's web site, adjacent to the absentee ballot
84 application form available for downloading, a notice that the
85 application may be downloaded by a person only for (1) the person's
86 own use, (2) the use of a member of the person's immediate family, or
87 (3) the use of a designee of the applicant. The notice shall also contain
88 an advisory statement concerning the requirements of subsection (k) of
89 this section.

90 (NEW) (n) The State Elections Enforcement Commission, in
91 consultation with the Secretary of the State, shall prepare a summary
92 of the requirements and prohibitions of the absentee voting laws,
93 which shall be posted on said agencies' web sites. Candidates and
94 political party chairpersons shall provide such summary to campaign
95 and party employees and volunteers.

96 (NEW) (o) As used in this section, (1) "immediate family" has the
97 same meaning as provided in subsection (a) of section 9-140b, and (2)
98 "designee" has the same meaning as provided in subsection (b) of
99 section 9-140b.

100 Sec. 4. Section 9-159q of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective July 1, 2005, and*
102 *applicable to elections, primaries and referenda held on or after September 1,*
103 *2005*):

104 (a) As used in this section:

105 (1) "Institution" means a veterans' health care facility, residential
106 care home, health care facility for the handicapped, nursing home, rest
107 home, mental health facility, alcohol or drug treatment facility, [or] an
108 infirmary operated by an educational institution for the care of its

109 students, faculty and employees or an assisted living facility; and

110 (2) "Designee" means an elector of the same town and political party
111 as the appointing registrar of voters which elector is not an employee
112 of the institution at which supervised voting is conducted.

113 (b) Notwithstanding any provision of the general statutes to the
114 contrary, if less than twenty of the patients in any institution in the
115 state are electors, absentee ballots voted by such electors shall, upon
116 request of either registrar of voters in the town of such electors' voting
117 residence or the administrator of such institution, be voted under the
118 supervision of such registrars of voters or their designees in
119 accordance with the provisions of this section. The registrars of voters
120 of a town other than the town in which an institution is located may
121 refuse a request by the administrator of such institution when, in their
122 written opinion, the registrars agree that such request is unnecessary,
123 in which case this section shall not apply. Such registrars shall inform
124 the administrator and the town clerk of the electors' town of voting
125 residence of their refusal.

126 (c) Except as provided in subsection (e) of this section, such request
127 shall be made in writing and filed with the town clerk and registrars of
128 voters of the town of such electors' voting residence, not more than
129 forty-five days prior to an election or thirty-four days prior to a
130 primary and not later than the seventh day prior to an election or
131 primary. The request shall specify the name and location of the
132 institution and the date and time when the registrars of voters or their
133 designees shall supervise the casting of absentee ballots at the
134 institution. The request shall also specify one or more alternate dates
135 and times when supervised voting may occur. No request shall specify
136 a date or an alternate date for supervised voting which is later than the
137 last business day before the election or primary.

138 (d) The town clerk shall not mail or otherwise deliver an absentee
139 ballot to an applicant who is a patient in any institution if a request for
140 supervision of absentee balloting at that institution has been filed with

141 the clerk during the period set forth in subsection (c) of this section.
142 The clerk shall instead deliver such ballot or ballots to the registrars of
143 voters or their designees who will supervise the voting of such ballots
144 in accordance with this section.

145 (e) Except in the case of a written refusal as provided in subsection
146 (b) of this section, upon receipt of a request for supervision of absentee
147 balloting during the period set forth in subsection (c) of this section,
148 the registrar or registrars of voters who received the request shall
149 inform the registrar or administrator who made the request and the
150 town clerk as to the date and time when such supervision shall occur,
151 which shall be the date and time contained in the request or the
152 alternate date and time contained in the request. If the registrar or
153 registrars fail to select either date, the supervision shall take place on
154 the date and time contained in the request. If a request for supervision
155 of absentee balloting at an institution is filed during the period set
156 forth in subsection (c) of this section and the town clerk receives an
157 application for an absentee ballot from a patient in the institution after
158 the date when supervised balloting occurred, either registrar of voters
159 may request, in writing, to the appropriate town clerk and registrars of
160 voters that the supervision of the voting of absentee ballots at such
161 institution in accordance with this section be repeated, and in such
162 case the registrars or their designees shall supervise absentee balloting
163 at such institution on the date and at the time specified in the
164 subsequent request, which shall be not later than the last business day
165 before the election or primary.

166 (f) On the date when the supervision of absentee balloting at any
167 institution is to occur, the town clerk shall deliver to the registrars or
168 their designees the absentee ballots and envelopes for all applicants
169 who are electors of such clerk's town and patients at such institution.
170 The ballot and envelopes shall be prepared for delivery to the
171 applicant as provided in sections 9-137 to 9-140a, inclusive. The
172 registrars or their designees shall furnish the town clerk a written
173 receipt for such ballots.

174 (g) The registrars or their designees, as the case may be, shall jointly
175 deliver the ballots to the respective applicants at the institution and
176 shall jointly supervise the voting of such ballots. The ballots shall be
177 returned to the registrars or their designees by the electors in the
178 envelopes provided and in accordance with the provisions of sections
179 9-137, 9-139 and 9-140a. If any elector asks for assistance in voting his
180 ballot, two registrars or their designees of different political parties or,
181 for a primary, their designees of different candidates, shall render such
182 assistance as they deem necessary and appropriate to enable such
183 elector to vote his ballot. The registrars or their designees may reject a
184 ballot when (1) the elector declines to vote a ballot, or (2) the registrars
185 or their designees are unable to determine how the elector who has
186 requested their assistance desires to vote the ballot. When the
187 registrars or their designees reject a ballot, they shall mark the serially-
188 numbered outer envelope "rejected" and note the reasons for rejection.
189 Nothing in this section shall limit the right of an elector to vote his
190 ballot in secret.

191 (h) After all ballots have been voted or marked "rejected" in
192 accordance with subsection (g) of this section, the registrars or their
193 designees shall jointly deliver or mail them in the envelopes, which
194 shall be sealed, to the appropriate town clerk, who shall retain them
195 until delivered in accordance with section 9-140c.

196 (i) When an institution is located in a town having a primary, the
197 registrar in that town of the party holding the primary shall appoint
198 for each such institution, one designee of the party-endorsed
199 candidates and one designee of the contestants from the lists, if any,
200 submitted by the party-endorsed candidates and contestants. Such
201 registrar shall notify all party-endorsed candidates and all contestants
202 of their right to submit a list of potential designees under this section.
203 Each party-endorsed candidate and each contestant may submit to
204 such registrar in writing a list of names of potential designees,
205 provided any such list shall be submitted not later than ten days before
206 the primary. If no such lists are submitted within said period, such
207 registrar shall appoint one designee of the party-endorsed candidates

208 and one designee of the contestants. Each designee appointed
209 pursuant to this section shall be sworn to the faithful performance of
210 his duties, and the registrar shall file a certificate of each designation
211 with his town clerk.

212 (j) Any registrar of voters who has filed a request that the absentee
213 balloting at an institution be supervised and any registrar required to
214 conduct a supervision of voting under this section, who neglects to
215 perform any of the duties required of him by this section so as to cause
216 any elector to lose his vote shall be guilty of a class A misdemeanor.
217 Any registrar from the same town as a registrar who has filed such a
218 request may waive his right to participate in the supervision of
219 absentee balloting.

220 (k) Notwithstanding any provision of this section to the contrary, if
221 the spouse or a child of a registrar of voters or a dependent relative
222 residing in the registrar's household is a candidate in the election or
223 primary for which supervised absentee voting is to occur, such
224 registrar shall not supervise such absentee voting but may designate
225 the deputy registrar of voters or an assistant registrar of voters,
226 appointed by the registrar pursuant to section 9-192, to supervise the
227 absentee voting in his place.

228 (l) Notwithstanding any provision of the general statutes, if a town
229 clerk receives twenty or more absentee ballot applications from the
230 same street address in a town, including, but not limited to, an
231 apartment building or complex, absentee ballots voted by the electors
232 submitting such applications may, at the discretion of the registrars of
233 voters of such town, be voted under the supervision of such registrars
234 of voters or their designees in accordance with the same procedures set
235 forth in this section for supervised absentee voting at institutions.

236 Sec. 5. Subsection (c) of section 54-56e of the general statutes is
237 repealed and the following is substituted in lieu thereof (*Effective July*
238 *1, 2005, and applicable to elections, primaries and referenda held on or after*
239 *September 1, 2005*):

240 (c) This section shall not be applicable: (1) To any person charged
241 with a class A felony, a class B felony, except a violation of section 53a-
242 122 that does not involve the use, attempted use or threatened use of
243 physical force against another person, or a violation of section 14-227a,
244 subdivision (2) of subsection (a) of section 53-21, section 53a-56b, 53a-
245 60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-90a, 53a-
246 196e or 53a-196f, (2) to any person charged with a crime or motor
247 vehicle violation who, as a result of the commission of such crime or
248 motor vehicle violation, causes the death of another person, (3) to any
249 person accused of a family violence crime as defined in section 46b-38a
250 who (A) is eligible for the pretrial family violence education program
251 established under section 46b-38c, or (B) has previously had the
252 pretrial family violence education program invoked in such person's
253 behalf, (4) to any person charged with a violation of section 21a-267 or
254 21a-279 who (A) is eligible for the pretrial drug education program
255 established under section 54-56i, or (B) has previously had the pretrial
256 drug education program invoked in such person's behalf, [or] (5)
257 unless good cause is shown, to any person charged with a class C
258 felony, or (6) to any person charged with a violation of section 9-359 or
259 9-359a.

260 Sec. 6. Subsection (a) of section 9-7b of the general statutes is
261 repealed and the following is substituted in lieu thereof (*Effective July*
262 *1, 2005*):

263 (a) The State Elections Enforcement Commission shall have the
264 following duties and powers:

265 (1) To make investigations on its own initiative or with respect to
266 statements filed with the commission by the Secretary of the State or
267 any town clerk, or upon written complaint under oath by any
268 individual, with respect to alleged violations of any provision of the
269 general statutes relating to any election or referendum, any primary
270 held pursuant to section 9-423, 9-425 or 9-464 or any primary held
271 pursuant to a special act, and to hold hearings when the commission
272 deems necessary to investigate violations of any provisions of the

273 general statutes relating to any such election, primary or referendum,
274 and for the purpose of such hearings the commission may administer
275 oaths, examine witnesses and receive oral and documentary evidence,
276 and shall have the power to subpoena witnesses under procedural
277 rules the commission shall adopt, to compel their attendance and to
278 require the production for examination of any books and papers which
279 the commission deems relevant to any matter under investigation or in
280 question. In connection with its investigation of any alleged violation
281 of any provision of chapter 145, or of any provision of section 9-359 or
282 section 9-359a, the commission shall also have the power to subpoena
283 any municipal clerk and to require the production for examination of
284 any absentee ballot, inner and outer envelope from which any such
285 ballot has been removed, depository envelope containing any such
286 ballot or inner or outer envelope as provided in sections 9-150a and 9-
287 150b and any other record, form or document as provided in section 9-
288 150b, in connection with the election, primary or referendum to which
289 the investigation relates. In case of a refusal to comply with any
290 subpoena issued pursuant to this subsection or to testify with respect
291 to any matter upon which that person may be lawfully interrogated,
292 the superior court for the judicial district of Hartford, on application of
293 the commission, may issue an order requiring such person to comply
294 with such subpoena and to testify; failure to obey any such order of the
295 court may be punished by the court as a contempt thereof. In any
296 matter under investigation which concerns the operation or inspection
297 of or outcome recorded on any voting machine, the commission may
298 issue an order to the municipal clerk to impound such machine until
299 the investigation is completed;

300 (2) To levy a civil penalty not to exceed (A) two thousand dollars
301 per offense against any person the commission finds to be in violation
302 of any provision of chapter 145, part V of chapter 146, part I of chapter
303 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,
304 section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-23h,
305 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-
306 40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to 9-

307 232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436, 9-
308 436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, [or] (B) two
309 thousand dollars per offense against any town clerk, registrar of
310 voters, an appointee or designee of a town clerk or registrar of voters,
311 or any other election or primary official whom the commission finds to
312 have failed to discharge a duty imposed by any provision of chapter
313 146 or 147, (C) two thousand dollars per offense against any person the
314 commission finds to have (i) improperly voted in any election, primary
315 or referendum, and (ii) not been legally qualified to vote in such
316 election, primary or referendum, or (D) two thousand dollars per
317 offense or twice the amount of any improper payment or contribution,
318 whichever is greater, against any person the commission finds to be in
319 violation of any provision of chapter 150. The commission may levy a
320 civil penalty against any person under subparagraph (A), [or] (B), (C)
321 or (D) of this subdivision only after giving the person an opportunity
322 to be heard at a hearing conducted in accordance with sections 4-176e
323 to 4-184, inclusive. In the case of failure to pay any such penalty levied
324 pursuant to this subsection within thirty days of written notice sent by
325 certified or registered mail to such person, the superior court for the
326 judicial district of Hartford, on application of the commission, may
327 issue an order requiring such person to pay the penalty imposed and
328 such court costs, state marshal's fees and attorney's fees incurred by
329 the commission as the court may determine. Any civil penalties paid,
330 collected or recovered under subparagraph [(B)] (D) of this subdivision
331 for a violation of any provision of chapter 150 applying to the office of
332 the Treasurer shall be deposited on a pro rata basis in any trust funds,
333 as defined in section 3-13c, affected by such violation;

334 (3) (A) To issue an order requiring any person the commission finds
335 to have received any contribution or payment which is prohibited by
336 any of the provisions of chapter 150, after an opportunity to be heard
337 at a hearing conducted in accordance with the provisions of sections 4-
338 176e to 4-184, inclusive, to return such contribution or payment to the
339 donor or payor, or to remit such contribution or payment to the state
340 for deposit in the General Fund, whichever is deemed necessary to

341 effectuate the purposes of chapter 150;

342 (B) To issue an order when the commission finds that an intentional
343 violation of any provision of chapter 150 has been committed, after an
344 opportunity to be heard at a hearing conducted in accordance with
345 sections 4-176e to 4-184, inclusive, which order may contain one or
346 more of the following sanctions: (i) Removal of a campaign treasurer,
347 deputy campaign treasurer or solicitor; (ii) prohibition on serving as a
348 campaign treasurer, deputy campaign treasurer or solicitor, for a
349 period not to exceed four years; and (iii) in the case of a party
350 committee or a political committee, suspension of all political
351 activities, including, but not limited to, the receipt of contributions and
352 the making of expenditures, provided the commission may not order
353 such a suspension unless the commission has previously ordered the
354 removal of the campaign treasurer and notifies the officers of the
355 committee that the commission is considering such suspension;

356 (C) To issue an order revoking any person's eligibility to be
357 appointed or serve as an election, primary or referendum official or
358 unofficial checker or in any capacity at the polls on the day of an
359 election, primary or referendum, when the commission finds such
360 person has intentionally violated any provision of the general statutes
361 relating to the conduct of an election, primary or referendum, after an
362 opportunity to be heard at a hearing conducted in accordance with
363 sections 4-176e to 4-184, inclusive;

364 (D) To issue an order to enforce the provisions of the Help America
365 Vote Act, P.L. 107-252, as amended from time to time, as the
366 commission deems appropriate;

367 (E) To issue an order following the commission's determination of
368 the right of an individual to be or remain an elector when such
369 determination is made (i) pursuant to an appeal taken to the
370 commission from a decision of the registrars of voters or board of
371 admission of electors under section 9-31l, as amended by this act, or (ii)
372 following the commission's investigation pursuant to subdivision (1) of

373 this subsection;

374 (4) To inspect or audit at any reasonable time and upon reasonable
375 notice the accounts or records of any campaign treasurer or principal
376 campaign treasurer, as required by chapter 150 and to audit any such
377 election, primary or referendum held within the state; provided, (A) (i)
378 not later than two months preceding the day of an election at which a
379 candidate is seeking election, the commission shall complete any audit
380 it has initiated in the absence of a complaint that involves a committee
381 of the same candidate from a previous election, and (ii) during the
382 two-month period preceding the day of an election at which a
383 candidate is seeking election, the commission shall not initiate an audit
384 in the absence of a complaint that involves a committee of the same
385 candidate from a previous election, and (B) the commission shall not
386 audit any caucus, as defined in subdivision (1) of section 9-372;

387 (5) To attempt to secure voluntary compliance, by informal methods
388 of conference, conciliation and persuasion, with any provision of
389 chapters 149 to 153, inclusive, or any other provision of the general
390 statutes relating to any such election, primary or referendum;

391 (6) To consult with the Secretary of the State, the Chief State's
392 Attorney or the Attorney General on any matter which the commission
393 deems appropriate;

394 (7) To refer to the Chief State's Attorney evidence bearing upon
395 violation of any provision of chapters 149 to 153, inclusive, or any
396 other provision of the general statutes pertaining to or relating to any
397 such election, primary or referendum;

398 (8) To refer to the Attorney General evidence for injunctive relief
399 and any other ancillary equitable relief in the circumstances of
400 subdivision (7) of this subsection. Nothing in this subdivision shall
401 preclude a person who claims that he is aggrieved by a violation of any
402 provision of chapter 152 or any other provision of the general statutes
403 relating to referenda from pursuing injunctive and any other ancillary
404 equitable relief directly from the Superior Court by the filing of a

405 complaint;

406 (9) To refer to the Attorney General evidence pertaining to any
407 ruling which the commission finds to be in error made by election
408 officials in connection with any election, primary or referendum. Those
409 remedies and procedures available to parties claiming to be aggrieved
410 under the provisions of sections 9-323, 9-324, 9-328 and 9-329a shall
411 apply to any complaint brought by the Attorney General as a result of
412 the provisions of this subdivision;

413 (10) To consult with the United States Department of Justice and the
414 United States Attorney for Connecticut on any investigation pertaining
415 to a violation of this section, section 9-12, subsection (a) of section 9-17
416 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, 9-
417 23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c, 9-40a,
418 9-42, 9-43, 9-50a, 9-56 or 9-59 and to refer to said department and
419 attorney evidence bearing upon any such violation for prosecution
420 under the provisions of the National Voter Registration Act of 1993,
421 P.L. 103-31, as amended from time to time;

422 (11) To inspect reports filed with the Secretary of the State and with
423 town clerks pursuant to chapter 150 and refer to the Chief State's
424 Attorney evidence bearing upon any violation of law therein if such
425 violation was committed knowingly and wilfully;

426 (12) To intervene in any action brought pursuant to the provisions
427 of sections 9-323, 9-324, 9-328 and 9-329a upon application to the court
428 in which such action is brought when in the opinion of the court it is
429 necessary to preserve evidence of possible criminal violation of the
430 election laws;

431 (13) To adopt and publish regulations pursuant to chapter 54 to
432 carry out the provisions of section 9-7a, this section and chapter 150; to
433 issue upon request and publish advisory opinions in the Connecticut
434 Law Journal upon the requirements of chapter 150, and to make
435 recommendations to the General Assembly concerning suggested
436 revisions of the election laws;

437 (14) To the extent that the Elections Enforcement Commission is
438 involved in the investigation of alleged or suspected criminal
439 violations of any provision of the general statutes pertaining to or
440 relating to any such election, primary or referendum and is engaged in
441 such investigation for the purpose of presenting evidence to the Chief
442 State's Attorney, the Elections Enforcement Commission shall be
443 deemed a law enforcement agency for purposes of subdivision (3) of
444 subsection (b) of section 1-210, provided nothing in this section shall be
445 construed to exempt the Elections Enforcement Commission in any
446 other respect from the requirements of the Freedom of Information
447 Act, as defined in section 1-200;

448 (15) To enter into such contractual agreements as may be necessary
449 for the discharge of its duties, within the limits of its appropriated
450 funds and in accordance with established procedures;

451 (16) To provide the Secretary of the State with notice and copies of
452 all decisions rendered by the commission in contested cases, advisory
453 opinions and declaratory judgments, at the time such decisions,
454 judgments and opinions are made or issued;

455 (17) To receive and determine complaints filed under the Help
456 America Vote Act, P.L. 107-252, as amended from time to time, by any
457 person who believes there is a violation of any provision of Title III of
458 P.L. 107-252, as amended. Any complaint filed under this subdivision
459 shall be in writing, notarized and signed and sworn by the person
460 filing the complaint. At the request of the complainant, there shall be a
461 hearing on the record, conducted in accordance with sections 4-167e to
462 4-184, inclusive. The commission shall make a final determination with
463 respect to a complaint prior to the expiration of the ninety-day period
464 beginning on the date the complaint is filed, unless the complainant
465 consents to a longer period for making such determination. If the
466 commission fails to meet the applicable deadline under this
467 subdivision with respect to a complaint, the commission shall resolve
468 the complaint within sixty days after the expiration of such ninety-day
469 period under an alternative dispute resolution procedure established

470 by the commission.

471 Sec. 7. Section 9-31l of the general statutes is repealed and the
472 following is substituted in lieu thereof (*Effective July 1, 2005*):

473 (a) (1) A person who is denied admission as an elector may appeal a
474 decision of an admitting official of a town concerning the right of such
475 person to be or remain an elector. Any such appeal [from a decision of
476 an admitting official concerning the right of a person to be or remain
477 an elector] shall be made to the registrars of voters of [the] such town,
478 [where such right is in dispute, except that an appeal from the decision
479 of a registrar] except that if the admitting official who made such
480 decision is a registrar of voters, the appeal shall be made to the board
481 for admission of electors of such town.

482 [(b)] (2) Notice of an appeal shall be in writing and delivered to the
483 registrars or to the board for admission of electors. Within seven days
484 after receipt of a notice of appeal, the registrars or the board, as the
485 case may be, shall give written notice of the time and place where such
486 appeal will be heard to the appellant and to the admitting official
487 whose decision is the subject of the appeal. Such appeal shall be heard
488 within twenty-one days after notice of the appeal is delivered to the
489 registrars or the board. [A] Neither a registrar whose decision is the
490 subject of the appeal nor a registrar who is an appellant shall [not] be a
491 voting member of the board which hears the appeal.

492 [(c)] (3) The registrars or the board may receive sworn testimony
493 and any other evidence relating to the qualifications of such person to
494 be or remain an elector.

495 [(d)] (4) Within seven days after hearing an appeal, the registrars or
496 the board shall render a decision and shall send written notice of the
497 decision to the appellant [,] and the admitting official whose decision
498 was the subject of the appeal. [and, if he is not the appellant, the
499 person whose right to be or remain an elector was in dispute.]

500 (b) (1) The person whose right to be or remain an elector is in

501 dispute may appeal the decision of the registrars or the board for the
502 admission of electors under subsection (a) of this section to the State
503 Elections Enforcement Commission. If an appeal is not made to the
504 commission as provided in this subsection, the decision of the
505 registrars or the board shall be final.

506 (2) Any such appeal shall be in writing and filed with the State
507 Elections Enforcement Commission at its principal offices not later
508 than fourteen days following the decision of the registrars or the
509 board. A copy of any such notice of appeal shall also be delivered
510 within such time to the registrars or the board that rendered the
511 decision under subsection (a) of this section.

512 (3) The registrars or the board shall, not later than ten days after
513 receipt of a copy of the notice of appeal, deliver the record of the
514 hearing of the registrars or board under subsection (a) of this section to
515 the commission.

516 (4) The commission shall hear such appeal not later than twenty-one
517 days after notice of appeal is filed with the commission and shall be
518 conducted in accordance with the provisions of sections 4-176e to 4-
519 180a, inclusive, and section 4-181a. The commission may consider the
520 record of the hearing delivered by the registrars or the board and may
521 examine witnesses, documents and any other evidence that it
522 determines may have a bearing on the proper determination of the
523 issues brought on appeal. The commission's hearing shall be recorded.

524 (5) The commission shall render its decision not later than sixty days
525 after the close of its hearing, except that an extension of time may be
526 granted by the commission upon application of any party that sets
527 forth circumstances that the commission determines is appropriate to
528 granting an extension of time. The commission may also initiate an
529 extension of time for rendering its decision, after written notice to the
530 parties, provided all of the parties before the commission give their
531 prior written consent.

532 (6) The decision of the commission shall determine the person's

533 right to be or remain an elector. If any such decision is adverse to such
534 individual's right, the commission shall order both registrars to
535 remove the elector's name from the town's active and inactive registry
536 list and any enrollment list. Any person whose name has been so
537 removed may reapply for admission as an elector with the registrars of
538 voters of the same town at any time. If such application is made within
539 four years after the commission's decision, both registrars may
540 approve such application only after they find that there has been a
541 substantial change in the circumstances that provided the basis for the
542 commission's decision and that the individual is eligible to be an
543 elector. Registrars who approve an individual's application for
544 admission within this time period without a substantial change in
545 circumstances may be subject to a civil penalty imposed by the
546 commission in accordance with subdivision (2) of subsection (a) of
547 section 9-7b, as amended by this act, if the commission determines,
548 following a written complaint filed with the commission pursuant to
549 said section 9-7b, that the registrars' action was without good cause
550 and constitutes a wilful violation of a prior order of the commission.

551 Sec. 8. Section 9-358 of the general statutes is repealed and the
552 following is substituted in lieu thereof (*Effective July 1, 2005*):

553 Any person who, upon oath or affirmation, legally administered,
554 wilfully and corruptly testifies or affirms, before any registrar of
555 voters, [or the] moderator of any election, [or] primary or referendum,
556 any board for admission of electors or the State Elections Enforcement
557 Commission, falsely, to any material fact concerning the identity, age,
558 residence or other qualifications of any person whose right to be
559 registered or admitted as an elector or to vote at any election, [is before
560 such registrar, moderator or board] primary or referendum for the
561 purpose of being passed upon and decided, shall be [imprisoned not
562 more than two years] guilty of a class D felony and shall be
563 disfranchised.

564 Sec. 9. Section 9-360 of the general statutes is repealed and the
565 following is substituted in lieu thereof (*Effective July 1, 2005*):

566 Any person not legally qualified who fraudulently votes in any
567 town meeting, primary, [or] election or referendum in which [he] the
568 person is not qualified to vote, and any legally qualified person who,
569 at such meeting, primary, [or] election or referendum, fraudulently
570 votes more than once at the same meeting, primary, [or] election or
571 referendum, shall be fined not less than three hundred dollars nor
572 more than five hundred dollars and shall be imprisoned not less than
573 one year nor more than two years and shall be disfranchised. Any
574 person who votes or attempts to vote at any election, primary,
575 referendum or town meeting by assuming the name of another [who is
576 registered or enrolled, as the case may be, shall be fined five hundred
577 dollars and be imprisoned one year] legally qualified person shall be
578 guilty of a class D felony and shall be disfranchised.

579 Sec. 10. Section 9-361 of the general statutes is repealed and the
580 following is substituted in lieu thereof (*Effective July 1, 2005*):

581 The following persons shall be guilty of primary or enrollment
582 violations: (1) Any person unlawfully voting or participating or
583 attempting to vote or participate in any primary in which he is not
584 eligible to vote or participate; (2) in towns divided into voting districts,
585 any elector who registers or votes at any primary in a voting district
586 other than the district in which such elector is legally entitled to vote at
587 the time of such primary; (3) any elector who signs the name of
588 another to a written application to register, without the knowledge and
589 consent of the person whose name is signed thereto, or who falsely
590 represents the contents of any written or printed form of application
591 for enrollment with intent to secure the application of an elector for
592 enrollment upon a list other than that of his true political preference;
593 (4) any registrar or deputy registrar of voters who fails to hold sessions
594 as provided in sections 9-51 and 9-53 or who fails to register an elector
595 upon the oral or written application for enrollment of such elector,
596 except as provided by law, or who fails to erase an elector's name as
597 provided in section 9-59 or who registers any elector upon an
598 enrollment list other than that declared by such elector in his
599 application as his political preference, or who removes or erases the

600 name of any elector from any enrollment list except as provided by
601 law; (5) any person who fails to properly serve any notice or citation
602 required by sections 9-60 and 9-61 when directed so to do by any
603 registrar or deputy registrar, or who makes any false return as to any
604 such notice or citation; and (6) any moderator of a primary of the
605 enrolled electors of a specified party, such primary being legally called
606 for the nomination of candidates for any public elective office, who
607 fails to comply with the requirements of chapter 153. The penalty for
608 any such violation shall be a fine of not more than one hundred dollars
609 or imprisonment of not more than sixty days, or both, except that any
610 person found to have violated subdivision (1) or (2) of this section shall
611 be guilty of a class D felony and shall be disfranchised.

612 Sec. 11. Section 9-333y of the general statutes is repealed and the
613 following is substituted in lieu thereof (*Effective July 1, 2005*):

614 (a) Any person who knowingly and wilfully violates any provision
615 of this chapter shall be fined not more than five thousand dollars or
616 imprisoned not more than five years or both. The Secretary of the State
617 or the town clerk shall notify the State Elections Enforcement
618 Commission of any such violation of which said secretary or such
619 town clerk may have knowledge. Any such fine for a violation of any
620 provision of this chapter applying to the office of the Treasurer shall be
621 deposited on a pro rata basis in any trust funds, as defined in section 3-
622 13c, affected by such violation.

623 (b) (1) If any campaign treasurer or lobbyist fails to file the
624 statements required by section 9-333j or subsection (g) of section 9-333l,
625 [as the case may be] or if any candidate fails to file either (A) a
626 statement for the formation of a candidate committee as required by
627 section 9-333f, or (B) a certification pursuant to section 9-333e that the
628 candidate is exempt from forming a candidate committee as required
629 by section 9-333f, within the time required, [he] the campaign
630 treasurer, lobbyist or candidate, as the case may be, shall pay a late
631 filing fee of [fifty-five] one hundred dollars.

632 (2) In the case of [a] any such statement or certification that is
633 required to be filed with the Secretary of the State, the secretary shall,
634 within ten days after the filing deadline is, or should be, known to
635 have passed, notify by certified mail, return receipt requested, the
636 person required to file that, if such statement or certification is not filed
637 within twenty-one days after [the deadline] such notice, the person is
638 in violation of [said] section 9-333e, 9-333f or 9-333j or subsection (g) of
639 section 9-333l. If the person does not file such statement or certification
640 within twenty-one days after the [deadline] the secretary mails such
641 notice, the secretary shall notify the State Elections Enforcement
642 Commission within twenty-eight days after [the deadline] such notice.

643 (3) In the case of [a] any such statement or certification that is
644 required to be filed with a town clerk, the town clerk shall forthwith
645 after the filing deadline is, or should be, known to have passed, notify
646 by certified mail, return receipt requested, the person required to file
647 that, if such statement or certification is not filed within seven days
648 after [receiving] the town clerk mails such notice, the town clerk shall
649 notify the State Elections Enforcement Commission that the person is
650 in violation of [said] section 9-333e, 9-333f or 9-333j or subsection (g) of
651 section 9-333l.

652 (4) The penalty for any violation of [said] section 9-333e, 9-333f or 9-
653 333j or subsection (g) of section 9-333l for which notice is provided to
654 the State Elections Enforcement Commission by the Secretary of the
655 State or the town clerk shall be a fine of not less than two hundred
656 dollars nor more than [one] two thousand dollars or imprisonment for
657 not more than one year, or both.

658 Sec. 12. Subsection (b) of section 12-15 of the general statutes is
659 repealed and the following is substituted in lieu thereof (*Effective July*
660 *1, 2005*):

661 (b) The commissioner may disclose (1) returns or return information
662 to (A) an authorized representative of another state agency or office,
663 upon written request by the head of such agency or office, when

664 required in the course of duty or when there is reasonable cause to
665 believe that any state law is being violated, or (B) an authorized
666 representative of an agency or office of the United States, upon written
667 request by the head of such agency or office, when required in the
668 course of duty or when there is reasonable cause to believe that any
669 federal law is being violated, provided no such agency or office shall
670 disclose such returns or return information, other than in a judicial or
671 administrative proceeding to which such agency or office is a party
672 pertaining to the enforcement of state or federal law, as the case may
673 be, in a form which can be associated with, or otherwise identify,
674 directly or indirectly, a particular taxpayer except that the names and
675 addresses of jurors or potential jurors and the fact that the names were
676 derived from the list of taxpayers pursuant to chapter 884 may be
677 disclosed by the judicial branch; (2) returns or return information to
678 the Auditors of Public Accounts, when required in the course of duty
679 under chapter 23; (3) returns or return information to tax officers of
680 another state or of a Canadian province or of a political subdivision of
681 such other state or province or of the District of Columbia or to any
682 officer of the United States Treasury Department or the United States
683 Department of Health and Human Services, authorized for such
684 purpose in accordance with an agreement between this state and such
685 other state, province, political subdivision, the District of Columbia or
686 department, respectively, when required in the administration of taxes
687 imposed under the laws of such other state, province, political
688 subdivision, the District of Columbia or the United States, respectively,
689 and when a reciprocal arrangement exists; (4) returns or return
690 information in any action, case or proceeding in any court of
691 competent jurisdiction, when the commissioner or any other state
692 department or agency is a party, and when such information is directly
693 involved in such action, case or proceeding; (5) returns or return
694 information to a taxpayer or its authorized representative, upon
695 written request for a return filed by or return information on such
696 taxpayer; (6) returns or return information to a successor, receiver,
697 trustee, executor, administrator, assignee, guardian or guarantor of a
698 taxpayer, when such person establishes, to the satisfaction of the

699 commissioner, that such person has a material interest which will be
700 affected by information contained in such returns or return
701 information; (7) information to the assessor or an authorized
702 representative of the chief executive officer of a Connecticut
703 municipality, when the information disclosed is limited to (A) a list of
704 real or personal property that is or may be subject to property taxes in
705 such municipality, or (B) a list containing the name of each person who
706 is issued any license, permit or certificate which is required, under the
707 provisions of this title, to be conspicuously displayed and whose
708 address is in such municipality; (8) real estate conveyance tax return
709 information or controlling interest transfer tax return information to
710 the town clerk or an authorized representative of the chief executive
711 officer of a Connecticut municipality to which the information relates;
712 (9) estate tax returns and estate tax return information to the Probate
713 Court Administrator or to the court of probate for the district within
714 which a decedent resided at the date of the decedent's death, or within
715 which the commissioner contends that a decedent resided at the date
716 of the decedent's death or, if a decedent died a nonresident of this
717 state, in the court of probate for the district within which real estate or
718 tangible personal property of the decedent is situated, or within which
719 the commissioner contends that real estate or tangible personal
720 property of the decedent is situated; (10) returns or return information
721 to the Secretary of the Office of Policy and Management for purposes
722 of subsection (b) of section 12-7a; (11) return information to the Jury
723 Administrator, when the information disclosed is limited to the names,
724 addresses, federal Social Security numbers and dates of birth, if
725 available, of residents of this state, as defined in subdivision (1) of
726 subsection (a) of section 12-701; (12) pursuant to regulations adopted
727 by the commissioner, returns or return information to any person to
728 the extent necessary in connection with the processing, storage,
729 transmission or reproduction of such returns or return information,
730 and the programming, maintenance, repair, testing or procurement of
731 equipment, or the providing of other services, for purposes of tax
732 administration; (13) without written request and unless the
733 commissioner determines that disclosure would identify a confidential

734 informant or seriously impair a civil or criminal tax investigation,
735 returns and return information which may constitute evidence of a
736 violation of any civil or criminal law of this state or the United States to
737 the extent necessary to apprise the head of such agency or office
738 charged with the responsibility of enforcing such law, in which event
739 the head of such agency or office may disclose such return information
740 to officers and employees of such agency or office to the extent
741 necessary to enforce such law; (14) names and addresses of operators,
742 as defined in section 12-407, to tourism districts, as defined in section
743 10-397; (15) names of each licensed dealer, as defined in section 12-285,
744 and the location of the premises covered by the dealer's license; [and]
745 (16) to a tobacco product manufacturer that places funds into escrow
746 pursuant to the provisions of subsection (a) of section 4-28i, return
747 information of a distributor licensed under the provisions of chapter
748 214 or chapter 214a, provided the information disclosed is limited to
749 information relating to such manufacturer's sales to consumers within
750 this state, whether directly or through a distributor, dealer or similar
751 intermediary or intermediaries, of cigarettes, as defined in section 4-
752 28h, and further provided there is reasonable cause to believe that such
753 manufacturer is not in compliance with section 4-28i; and (17) returns
754 or return information to the State Elections Enforcement Commission,
755 upon written request by said commission, when necessary to
756 investigate suspected violations of state election laws.

757 Sec. 13. (NEW) (*Effective from passage*) (a) There is established the
758 Voting Technology Standards Board. The board shall consist of:

759 (1) The Secretary of the State, or the Secretary's designee;

760 (2) The executive director of the State Elections Enforcement
761 Commission, or the executive director's designee;

762 (3) The chairpersons and ranking members of the joint standing
763 committee of the General Assembly having cognizance of matters
764 relating to elections;

765 (4) Two persons who are members of different political parties,

766 appointed by the president of the Registrars of Voters Association of
767 Connecticut;

768 (5) Two persons who are members of different political parties,
769 appointed by the president of the Connecticut Town Clerks
770 Association, Inc.;

771 (6) A member of the faculty or an employee of The University of
772 Connecticut, having expertise in computer architecture, appointed by
773 the Governor; and

774 (7) One person representing a nonpartisan organization for
775 governmental accountability, appointed by the Governor.

776 (b) All appointments to the Voting Technology Standards Board
777 shall be made not later than thirty days after the effective date of this
778 section. Any vacancy shall be filled by the appointing authority. The
779 board shall elect a chairperson and a vice-chairperson from among its
780 members.

781 (c) The Voting Technology Standards Board shall adopt standards
782 for electronic voting technology that will ensure the integrity of the
783 state's voting systems. Said standards shall address: (1) Accuracy; (2)
784 protecting voter anonymity; (3) maintaining secret ballots, except
785 where a voter requests assistance; (4) preventing a voter from voting
786 more than once on any ballot question and from casting more votes for
787 any office than there are persons to be elected to such office; (5) the
788 equivalent of write-in votes; (6) reliable backup power sources so that
789 a system is not subject to power failures; (7) handicapped accessibility;
790 (8) simple ballot layout that will not be confusing to voters; (9) ease of
791 navigation of multiple-screen ballots; (10) enabling voters to check and
792 correct votes; (11) creating voter-verified paper trails; (12) adequate
793 security precautions if individual voting systems are to be networked
794 or if voting results will be communicated via the Internet; (13) the need
795 for encryption; (14) adequate protection from computer viruses; and
796 (15) any other standards necessary to protect the integrity of the voting
797 systems.

798 (d) Not later than January 16, 2006, the Voting Technology
799 Standards Board shall submit a report containing the standards for
800 electronic voting technology adopted under subsection (c) of this
801 section to the joint standing committee of the General Assembly
802 having cognizance of matters relating to elections, the Governor and
803 the Secretary of the State, in accordance with the provisions of section
804 11-4a of the general statutes. The board shall terminate on the date that
805 it submits such standards.

806 Sec. 14. Section 9-241 of the general statutes is repealed and the
807 following is substituted in lieu thereof (*Effective October 1, 2005*):

808 Any person owning or holding an interest in any voting machine, as
809 defined in subsection (w) of section 9-1, may apply to the Secretary of
810 the State to examine such machine and report on its accuracy and
811 efficiency. The Secretary of the State shall examine the machine and
812 determine whether, in the Secretary's opinion, the kind of machine so
813 examined (1) meets the requirements of section 9-242, [and] (2) can be
814 used at elections, primaries and referenda held pursuant to this title,
815 and (3) in the case of an electronic voting machine examined by the
816 Secretary after the Voting Technology Standards Board submits the
817 report required under section 13 of this act, complies with the
818 standards adopted by said board under section 13 of this act. If the
819 Secretary of the State determines that the machine can be so used, such
820 machine may be adopted for such use. No machine not so approved
821 shall be so used. Each application shall be accompanied by a fee of one
822 hundred dollars and the Secretary of the State shall not approve any
823 machine until such fee and the expenses incurred by the Secretary in
824 making the examination have been paid by the person making such
825 application. Any voting machine company that has had its voting
826 machine approved and that subsequently alters such machine in any
827 way shall provide the Secretary of the State with notice of such
828 alterations, including a description thereof and a statement of the
829 purpose of such alterations. If any such alterations appear to materially
830 affect the accuracy, appearance or efficiency of the machine, or modify
831 the machine so that it can no longer be used at elections, primaries or

832 referenda held pursuant to this title, at the discretion of the Secretary
833 of the State, the company shall submit such alterations for inspection
834 and approval, at its own expense, before such altered machines may be
835 used. The Secretary of the State may adopt regulations, in accordance
836 with the provisions of chapter 54, concerning examination and
837 approval of voting machines under this section. No voting machine
838 that records votes by means of holes punched in designated voting
839 response locations may be approved or used at any election, primary
840 or referendum held pursuant to this title.

841 Sec. 15. Subsection (a) of section 9-20 of the general statutes is
842 repealed and the following is substituted in lieu thereof (*Effective*
843 *January 1, 2006*):

844 (a) Each person who applies for admission as an elector in person to
845 an admitting official shall, upon a form prescribed by the Secretary of
846 the State and signed by the applicant, state under penalties of perjury,
847 his name, bona fide residence by street and number, date of birth,
848 whether he is a United States citizen, whether his privileges as an
849 elector are forfeited by reason of conviction of crime, and whether he
850 has previously been admitted as an elector in any town in this or any
851 other state. Each such applicant shall present his birth certificate,
852 drivers' license or Social Security card to the admitting official for
853 inspection at the time of application. Notwithstanding the provisions
854 of any special act or charter to the contrary, the application form shall
855 also, in a manner prescribed by the Secretary of the State, provide for
856 application for enrollment in any political party, including, on any
857 such form printed on or after the effective date of this section, a list of
858 the names of the major parties, as defined in section 9-372, as options
859 for the applicant. The form shall indicate that such enrollment is not
860 mandatory.

861 Sec. 16. Section 9-23h of the general statutes is repealed and the
862 following is substituted in lieu thereof (*Effective January 1, 2006*):

863 The application provided for in section 9-23g shall provide spaces

864 for the following information for each applicant: (1) Name, (2) bona
865 fide residence, including street number, street address, apartment
866 number if applicable, town and zip code, (3) telephone number, (4)
867 date of birth, (5) whether the applicant is registered as an elector in any
868 other town in the state of Connecticut or in any other state, and if so,
869 the applicant's last previous voting residence, (6) whether the
870 applicant is a United States citizen, (7) whether the applicant will be
871 eighteen years of age on or before election day, (8) party affiliation, if
872 any, (9) the applicant's signature and date of signature, and (10) the
873 applicant's Connecticut motor vehicle operator's license number or, if
874 none, the last four digits of the applicant's Social Security number. The
875 spaces for the applicant's telephone number and party affiliation shall
876 indicate that such information does not have to be provided. On any
877 such application printed on or after the effective date of this section,
878 the space for the applicant's party affiliation shall also include a list of
879 the names of the major parties, as defined in section 9-372, as options
880 for the applicant. The spaces regarding United States citizenship and
881 whether the applicant will be eighteen years of age on or before
882 election day shall indicate that if the applicant answers "No" to either
883 question, the applicant may not complete the voter registration form.
884 No Social Security number on any such form filed prior to January 1,
885 2000, may be disclosed to the public or to any governmental agency.
886 The application shall contain a notice that if the applicant does not
887 receive a notice of acceptance or rejection of the application from the
888 office of the registrars of voters for the municipality in which the
889 applicant resides, the applicant should contact said office. The
890 application shall also contain any other information, questions or
891 instructions prescribed by the Secretary of the State.

892 Sec. 17. Subsection (c) of section 9-391 of the general statutes is
893 repealed and the following is substituted in lieu thereof (*Effective*
894 *October 1, 2005*):

895 (c) Each endorsement of a candidate to run in a primary for the
896 nomination of candidates for a municipal office to be voted upon at a
897 state election shall be made under the provisions of section 9-390 not

898 earlier than the eighty-fourth day or later than the seventy-seventh day
899 preceding the day of such primary. Any certification to be filed under
900 this [section] subsection shall be received by the Secretary of the State,
901 in the case of a candidate for the office of state senator or state
902 representative, or the town clerk, in the case of a candidate for any
903 other municipal office to be voted upon at a state election, not later
904 than four o'clock p.m. on the fourteenth day after the close of the town
905 committee meeting, caucus or convention, as the case may be. If such a
906 certificate of a party's endorsement is not received by the Secretary of
907 the State or the town clerk, as the case may be, by such time, such
908 party, for the purposes of sections 9-417 and 9-418, as amended by this
909 act, shall be deemed to have neither made nor certified any
910 endorsement of any candidate for such office. The candidate so
911 endorsed for a municipal office to be voted upon at a state election,
912 other than the office of justice of the peace, shall file with the Secretary
913 of the State or the town clerk, as the case may be, a certificate, signed
914 by that candidate, stating that such candidate was so endorsed, the
915 candidate's name as the candidate authorizes it to appear on the ballot,
916 the candidate's full street address and the title and district of the office
917 for which the candidate was endorsed. Such certificate shall be attested
918 by the chairman or presiding officer and the secretary of the town
919 committee, caucus or convention which made such endorsement. The
920 endorsement of candidates for the office of justice of the peace shall be
921 certified to the clerk of the municipality by the chairman or presiding
922 officer and the secretary of the town committee, caucus or convention,
923 and shall contain the name and street address of each person so
924 endorsed and the title of the office for which each such person is
925 endorsed.

926 Sec. 18. Section 9-418 of the general statutes is repealed and the
927 following is substituted in lieu thereof (*Effective October 1, 2005*):

928 (a) If within the time specified in section 9-391, as amended by this
929 act, a party has failed, with respect to the office of state senator or state
930 representative, to certify to the Secretary of the State, or with respect to
931 any other municipal office to be filled, to certify to the clerk of the

932 municipality, the name of any person as a party-endorsed candidate,
933 and if within the time specified in section 9-405, a candidacy for
934 nomination to such office is filed in conformity with the provisions of
935 sections 9-400 to 9-414, inclusive, by not more than one person, no
936 primary shall be held by such party for such office and the person
937 filing such candidacy shall be deemed to have been lawfully chosen as
938 the nominee of such party for such office.

939 (b) If within the time specified in section 9-391, as amended by this
940 act, a party has failed, with respect to any municipal office to be filled
941 by two or more persons, to certify to the clerk of the municipality
942 names of persons as party-endorsed candidates equal in number to the
943 number of persons to be nominated to such office, and if within the
944 time specified in section 9-405, a candidacy or candidacies for
945 nomination to such office are filed in conformity with the provisions of
946 sections 9-400 to 9-414, inclusive, by a number of persons not more
947 than the number for which the party has failed to certify names, no
948 primary shall be held by such party for such office, and each of the
949 party-endorsed candidates and each of the persons filing such
950 candidacies shall be deemed to have been lawfully chosen as the
951 nominees of such party for such office.

952 Sec. 19. (NEW) (*Effective July 1, 2005*) A registrar of voters who
953 provides an enrollment list of a political party in a municipality,
954 political subdivision or district to a candidate who will be circulating a
955 primary petition for nomination by such party of such candidate to a
956 state, district or municipal office, in accordance with sections 9-404a
957 and 9-404b of the general statutes, or sections 9-409 and 9-410 of the
958 general statutes, shall certify on the first page of such enrollment list
959 that such list is the most recent and, to the best knowledge of the
960 registrar, accurate enrollment list of such party in such municipality,
961 political subdivision or district.

962 Sec. 20. Section 9-192a of the general statutes is repealed and the
963 following is substituted in lieu thereof (*Effective July 1, 2005*):

964 (a) There is created a committee for the purpose of establishing
965 programs and procedures for training, examining and certifying
966 registrars of voters, deputy registrars of voters and permanent
967 assistants, as described in section 9-192. The committee shall consist of
968 six members, one of whom shall be from the office of the Secretary of
969 the State, one of whom shall be from the State Elections Enforcement
970 Commission, and four of whom shall be registrars of voters. The
971 Secretary of the State shall appoint the registrars of voters, in
972 consultation with the Registrars of Voters Association of Connecticut,
973 or its successor organization. The committee members shall serve
974 without pay. The Secretary of the State shall determine the length of
975 the terms of the initial members, in accordance with the following:
976 Two of such members shall serve for a one-year term; two of such
977 members shall serve for a two-year term; and two of such members
978 shall serve for a four-year term. Thereafter, all members shall serve for
979 four-year terms. The committee shall select a chairperson, who shall be
980 one of the registrars who is a member of the committee.

981 (b) The committee shall adopt criteria for the training, examination
982 and certification requirements of registrars, deputies and permanent
983 assistants. In the adoption of said criteria, the committee (1) shall
984 consider whether the prescribed training leading to certification may,
985 in part, be satisfied through participation in the required two
986 conferences a year called by the Secretary of the State, pursuant to
987 section 9-6, for purposes of discussing the election laws, procedures or
988 matters related to election laws and procedures and (2) may
989 recommend programs at one or more institutions of higher education
990 that satisfy said criteria.

991 [(b)] Any registrar of voters, deputy or permanent assistant may
992 participate in the course of training prescribed by the committee and,
993 upon completing such training and successfully completing any
994 examination or examinations prescribed by the committee, shall be
995 recommended by the committee, to the Secretary of the State as a
996 candidate for certification as a certified Connecticut registrar of voters.
997 The Secretary of the State shall certify any such qualified,

998 recommended candidate as a certified Connecticut registrar of voters.
999 The Secretary of the State may rescind any such certificate only upon a
1000 finding, by a majority of the committee, of sufficient cause as defined
1001 by the criteria adopted pursuant to this subsection. [(a) of this section.]

1002 [(c)] No provision of this [section] subsection shall require any
1003 registrar of voters, deputy or permanent assistant to be a certified
1004 registrar of voters.

1005 (c) The committee shall also (1) develop a training program in
1006 election procedures for poll workers, and (2) develop an election law
1007 and procedures training program and guide for registrars, deputy
1008 registrars and assistant registrars. The training program developed
1009 under subdivision (2) of this section shall provide for training to be
1010 conducted by trained registrars or former registrars hired for such
1011 purpose by the Secretary of the State. The committee shall submit such
1012 training programs and training guide to the Secretary of the State, who
1013 shall approve or modify the programs and guide.

1014 Sec. 21. Section 9-249 of the general statutes is repealed and the
1015 following is substituted in lieu thereof (*Effective July 1, 2005*):

1016 (a) Before each election, the municipal clerk, registrars of voters,
1017 certified moderator and certified mechanic shall instruct the election
1018 officials. Any provision of the general statutes or of any special act to
1019 the contrary notwithstanding, election officials shall be appointed at
1020 least twenty days before the election except as provided in section 9-
1021 229. The clerk, registrars, certified moderator and certified mechanic
1022 shall instruct each election official who is to serve in a voting district in
1023 which a voting machine is to be used in the use of the machine and his
1024 duties in connection therewith, and for the purpose of giving such
1025 instruction, such instructors shall call such meeting or meetings of the
1026 election officials as are necessary. Such instructors shall, without delay,
1027 file a report in the office of the municipal clerk and with the Secretary
1028 of the State, (1) stating that they have instructed the election officials
1029 named in the report and the time and place where such instruction

1030 was given, and (2) containing a signed statement from each such
1031 election official acknowledging that the official has received such
1032 instruction.

1033 (b) The election officials of such voting districts shall attend [such]
1034 the elections training program developed under subdivision (1) of
1035 subsection (c) of section 9-192a, as amended by this act, and any other
1036 meeting or meetings as are called for the purpose of receiving such
1037 instructions concerning their duties as are necessary for the proper
1038 conduct of the election.

1039 (c) Each election official who qualifies for and serves in the election
1040 shall be paid not less than one dollar for the time spent in receiving
1041 such instruction, in the same manner and at the same time as [he] the
1042 official is paid for [his] the official's services on election day.

1043 (d) No election official shall serve in any election [at which a voting
1044 machine is used unless he] unless the official has received such
1045 instruction and is fully qualified to perform [his] the official's duties in
1046 connection with the [machine] election, but this shall not prevent the
1047 appointment of an election official to fill a vacancy in an emergency.

1048 Sec. 22. (NEW) (*Effective July 1, 2005*) Each registrar of voters shall
1049 annually designate either said registrar, the deputy registrar of voters
1050 or an assistant registrar of voters to receive at least ten hours of
1051 instruction under the elections training program developed under
1052 subdivision (2) of subsection (c) of section 9-192a of the general
1053 statutes, as amended by this act.

1054 Sec. 23. (NEW) (*Effective July 1, 2005*) The Secretary of the State shall
1055 establish an elections training unit to coordinate all training for
1056 registrars of voters, deputy registrars of voters, permanent assistant
1057 registrars of voters as described in section 9-192 of the general statutes
1058 and poll workers. Such unit shall employ at least one person having
1059 field experience in the conduct of elections.

1060 Sec. 24. Subsection (a) of section 9-333j of the general statutes is

1061 repealed and the following is substituted in lieu thereof (*Effective July*
1062 *1, 2005*):

1063 (a) (1) Each campaign treasurer of a committee, other than a state
1064 central committee, shall file a statement, sworn under penalty of false
1065 statement with the proper authority in accordance with the provisions
1066 of section 9-333e, (A) on the [seventh] tenth calendar day in the months
1067 of January, April, July and October, provided, if such [seventh] tenth
1068 calendar day is a Saturday, Sunday or legal holiday, the statement
1069 shall be filed on the next business day, (B) on the seventh day
1070 preceding each regular state election, except that (i) in the case of a
1071 candidate or exploratory committee established for an office to be
1072 elected at a municipal election, the statement shall be filed on the
1073 seventh day preceding a regular municipal election in lieu of such
1074 date, and (ii) in the case of a town committee, the statement shall be
1075 filed on the seventh day preceding each municipal election in addition
1076 to such date, and (C) if the committee has made or received a
1077 contribution or expenditure in connection with any other election, a
1078 primary or a referendum, on the seventh day preceding the election,
1079 primary or referendum. The statement shall be complete as of the last
1080 day of the month preceding the month in which the statement is
1081 required to be filed, except that for the statement required to be filed
1082 on the seventh day preceding the election, primary or referendum, the
1083 statement shall be complete as of seven days immediately preceding
1084 the required filing day. The statement shall cover a period to begin
1085 with the first day not included in the last filed statement. In the case of
1086 a candidate committee, the statement required to be filed in January
1087 shall be in lieu of the statement formerly required to be filed within
1088 forty-five days following an election.

1089 (2) Each campaign treasurer of a candidate committee, within thirty
1090 days following any primary, and each campaign treasurer of a political
1091 committee formed for a single primary, election or referendum, within
1092 forty-five days after any election or referendum not held in November,
1093 shall file statements in the same manner as is required of them under
1094 subdivision (1) of this subsection. If the campaign treasurer of a

1095 candidate committee established by a candidate, who is unsuccessful
1096 in the primary or has terminated his candidacy prior to the primary,
1097 distributes all surplus funds within thirty days following the
1098 scheduled primary and discloses the distribution on the postprimary
1099 statement, such campaign treasurer shall not be required to file any
1100 subsequent statement unless the committee has a deficit, in which case
1101 he shall file any required statements in accordance with the provisions
1102 of subdivision (3) of subsection (e) of this section.

1103 (3) In the case of state central committees, (A) on [each January
1104 thirtieth, April tenth and July tenth] the tenth calendar day in the
1105 months of January, April and July, provided, if such tenth calendar
1106 day is a Saturday, Sunday or legal holiday, on the next business day,
1107 and (B) on the twelfth day preceding any election, the campaign
1108 treasurer of each such committee shall file with the proper authority, a
1109 statement, sworn under penalty of false statement, complete as of the
1110 last day of the month immediately preceding the month in which such
1111 statement is to be filed in the case of statements required to be filed in
1112 January, April and July, and complete as of the nineteenth day
1113 preceding an election, in the case of the statement required to be filed
1114 on the twelfth day preceding an election, and in each case covering a
1115 period to begin with the first day not included in the last filed
1116 statement.

1117 Sec. 25. Section 9-46a of the general statutes is repealed and the
1118 following is substituted in lieu thereof (*Effective July 1, 2005*):

1119 (a) A person who has been convicted of a felony and committed to
1120 confinement in a federal or other state correctional institution or
1121 facility or community residence shall have such person's electoral
1122 privileges restored upon submission of written or other satisfactory
1123 proof to the admitting official before whom such person presents his or
1124 her qualifications to be admitted as an elector, that all fines in
1125 conjunction with the conviction have been paid and that such person
1126 has been discharged from confinement, and, if applicable, parole.

1127 (b) Upon the release from confinement in a correctional institution
1128 or facility or a community residence of a person who has been
1129 convicted of a felony and committed to the custody of the
1130 Commissioner of Correction and, if applicable, the discharge of such
1131 person from parole, (1) the person shall have the right to become an
1132 elector, (2) the Commissioner of Correction shall give the person a
1133 document certifying that the person has been released from such
1134 confinement and, if applicable, has been discharged from parole, (3) if
1135 the person was an elector at the time of such felony conviction and,
1136 after such release and any such discharge, is residing in the same
1137 municipality in which the person resided at the time of such felony
1138 conviction, the person's electoral privileges shall be restored upon
1139 submitting to an admitting official such document or other satisfactory
1140 proof that the person has been released from such confinement and, if
1141 applicable, discharged from parole, and (4) if the person was an elector
1142 at the time of such felony conviction and, after such release and any
1143 such discharge, is residing in a different municipality or if the person
1144 was not an elector at the time of such felony conviction, the person's
1145 electoral privileges shall be restored or granted upon submitting to an
1146 admitting official (A) satisfactory proof of the person's qualifications to
1147 be admitted as an elector, and (B) such document or other satisfactory
1148 proof that the person has been released from confinement and, if
1149 applicable, discharged from parole. The provisions of subdivisions (1)
1150 to (4), inclusive, of this subsection shall not apply to any person
1151 convicted of a felony for a violation of any provision of this title until
1152 such person has been discharged from any parole or probation for
1153 such felony. No admitting official shall require that a person under this
1154 subsection submit a document from the Commissioner of Correction,
1155 as described in subdivision (2) of this subsection, in order to prove that
1156 the person has been discharged from confinement and, if applicable,
1157 discharged from parole.

1158 (c) The registrars of voters of the municipality in which a person is
1159 admitted as an elector pursuant to subsection (a) or (b) of this section,
1160 within thirty days after the date on which such person is admitted,

1161 shall notify the registrars of voters of the municipality wherein such
1162 person resided at the time of such person's conviction that such
1163 person's electoral rights have been so restored.

1164 (d) The Commissioner of Correction shall establish procedures to
1165 inform those persons who have been convicted of a felony and
1166 committed to the custody of said commissioner for confinement in a
1167 correctional institution or facility or a community residence, and are
1168 eligible to have their electoral privileges restored or granted pursuant
1169 to subsection (b) of this section, of the right and procedures to have
1170 such privileges restored. The Office of Adult Probation shall, within
1171 available appropriations, inform such persons who are on probation
1172 on January 1, 2002, of their right to become electors and procedures to
1173 have their electoral privileges restored, which shall be in accordance
1174 with subsections (b) and (c) of this section.

1175 (e) The Commissioner of Correction shall, on or before the fifteenth
1176 day of each month, transmit to the Secretary of the State a list of all
1177 persons convicted of a felony and committed to the custody of said
1178 commissioner and who, during the preceding calendar month, have
1179 been released from confinement in a correctional institution or facility
1180 or a community residence and, if applicable, discharged from parole.
1181 Such lists shall include the names, birth dates and addresses of such
1182 persons, with the dates of their convictions and the crimes of which
1183 such persons have been convicted. The Secretary of the State shall
1184 transmit such lists to the registrars of the municipalities in which such
1185 convicted persons resided at the time of their convictions and to the
1186 registrars of any municipalities where the secretary believes such
1187 persons may be electors.

1188 Sec. 26. Subsection (y) of section 9-1 of the general statutes is
1189 repealed and the following is substituted in lieu thereof (*Effective*
1190 *January 1, 2006*):

1191 (y) "The last session for admission of electors prior to an election"
1192 means the day which is the [fourteenth] seventh day prior to an

1193 election.

1194 Sec. 27. Subsection (a) of section 9-17 of the general statutes is
1195 repealed and the following is substituted in lieu thereof (*Effective*
1196 *January 1, 2006*):

1197 (a) For the purposes of this section, "primary day" means the day
1198 that a primary for state, district and municipal offices is being held in
1199 accordance with section 9-423, and "election day" means the day of
1200 each regular election. (1) The registrars of voters of each town shall
1201 hold sessions to examine the qualifications of electors and admit those
1202 found qualified on the dates and at the times set forth in this section.
1203 Such sessions shall be held on the following days during the hours
1204 indicated, except as provided in subdivision (2) of this subsection:

T1	Day	Hours
T2	Fourteenth day	
T3	before primary day	any two hours between
T4		5:00 p.m. and 9:00 p.m.
T5	Saturday of third week	
T6	before election day	10:00 a.m. to 2:00 p.m.
T7	[Fourteenth] <u>Seventh</u> day	
T8	before election day	9:00 a.m. to 8:00 p.m.

1205 The session of the registrars of voters on the [fourteenth] seventh day
1206 before election day shall be the last regular session for the admission of
1207 electors prior to an election, as defined in subsection (y) of section 9-1,
1208 as amended by this act. (2) No town having a population of less than
1209 twenty-five thousand persons shall be required to hold sessions for
1210 admission of electors on the fourteenth day before primary day.

1211 Sec. 28. Section 9-38 of the general statutes is repealed and the
1212 following is substituted in lieu thereof (*Effective January 1, 2006*):

1213 The registrars of all towns shall, on the second Friday preceding a
1214 regular election, deposit in the town clerk's office the final registry list
1215 arranged as provided in section 9-35 and certified by them to be
1216 correct, and shall retain a sufficient number of copies to be used by
1217 them at such election for the purpose of checking the names of those
1218 who vote. They shall place on such final list, in the order provided in
1219 section 9-35, the names of all persons who have been admitted as
1220 electors. In each municipality said registrars shall also cause to be
1221 prepared and printed and deposited in the town clerk's office a
1222 supplementary or updated list containing the names and addresses of
1223 electors to be transferred, restored or added to such list prior to the
1224 [sixth day] fourth before such election, provided in municipalities
1225 having a population of less than twenty-five thousand, such additional
1226 names may be inserted in writing in such final list. Such final registry
1227 list and supplementary or updated list deposited in the town clerk's
1228 office shall be on file in such office for public inspection for a period of
1229 two years, and any elector may make copies thereof.

1230 Sec. 29. Subdivision (5) of subsection (d) of section 9-242 of the
1231 general statutes, as amended by section 7 of substitute senate bill 55 of
1232 the current session, as amended, is repealed and the following is
1233 substituted in lieu thereof (*Effective from passage*):

1234 (5) (A) Be accessible to blind or visually impaired persons by
1235 providing each elector, if desired by the elector, an audio description
1236 of the contemporaneously produced individual, permanent, paper
1237 record containing all of the elector's selections of ballot preferences, in
1238 addition to an audio description of the electronic summary screen and
1239 comply with such additional standards of accessibility included in
1240 regulations that the Secretary of the State may adopt in accordance
1241 with the provisions of chapter 54.

1242 (B) Notwithstanding the provisions of subparagraph (A) of this
1243 subdivision, on or before June 30, 2007, the Secretary the State may
1244 approve an electronic voting machine that does not comply with the
1245 provisions of said subparagraph if (i) the Secretary determines that

1246 there are no electronic voting machines available for purchase or lease
1247 at the time of such approval that are capable of complying with said
1248 subparagraph (A), (ii) the electronic voting machine complies with the
1249 provisions of subdivisions (1) to (4), inclusive, of this subsection, and
1250 (iii) the person applying to the Secretary for approval of the electronic
1251 voting machine agrees to include a provision in any contract for the
1252 sale or lease of such voting machines that requires such person, upon
1253 notification by the Secretary that modifications to such machines that
1254 would bring the machines into compliance said subparagraph (A) are
1255 available, to (I) so modify any electronic voting machines previously
1256 sold or leased under such contract in order to comply with said
1257 subparagraph (A), and (II) provide that any electronic voting machines
1258 sold or leased after receipt of such notice comply with said
1259 subparagraph (A). No voting machine approved under this
1260 subparagraph shall be used on or after July 1, 2007, unless it has been
1261 modified to comply with the provisions of subparagraph (A) of this
1262 subdivision.

1263 Sec. 30. Subdivision (5) of section 8 of substitute senate bill 55 of the
1264 current session, as amended, is repealed and the following is
1265 substituted in lieu thereof (*Effective from passage*):

1266 (5) Not later than five business days after each election in which a
1267 direct recording electronic voting machine is used, the registrars of
1268 voters or their designees, representing at least two political parties,
1269 shall conduct a manual audit of the votes recorded on at least (A) two
1270 direct recording electronic voting machines used in each assembly
1271 district, or (B) a number of direct recording electronic voting machines
1272 equal to fifty per cent of the number of voting districts in the
1273 municipality, whichever is less. Not later than five business days after
1274 a primary in which a direct recording electronic voting machine is
1275 used, the registrar of voters of the party holding the primary shall
1276 conduct such a manual audit by designating two or more individuals,
1277 one of whom may be the registrar, representing at least two candidates
1278 in the primary. The machines audited under this subdivision shall be
1279 selected in a random drawing that is announced in advance to the

1280 public and is open to the public. All direct recording electronic voting
1281 machines used within an assembly district shall have an equal chance
1282 of being selected for the audit. The Secretary of the State shall
1283 determine and publicly announce the method of conducting the
1284 random drawing, before the election. The manual audit shall consist of
1285 a manual tabulation of the contemporaneously produced, individual,
1286 permanent, voter-verified, paper records produced by each voting
1287 machine subject to the audit and a comparison of such count, with
1288 respect to all candidates and any questions or proposals appearing on
1289 the ballot, with the electronic vote tabulation reported for such voting
1290 machine on the day of the election or primary. Such audit shall not be
1291 required if a recanvass has been, or will be, conducted on the voting
1292 machine. Such manual audit shall be noticed in advance and be open
1293 to public observation. A reconciliation sheet, on a form prescribed by
1294 the Secretary of the State, that reports and compares the manual and
1295 electronic vote tabulations of each candidate and question or proposal
1296 on each such voting machine, along with any discrepancies, shall be
1297 prepared by the audit officials, signed and forthwith filed with the
1298 town clerk of the municipality and the Secretary of the State. If any
1299 contemporaneously produced, individual, permanent, voter-verified,
1300 paper record is found to have been damaged, the same procedures
1301 described in subdivision (3) of this section for substituting such record
1302 with the voting machine generated, individual, permanent, paper
1303 record produced by the voting machine bearing the identical machine
1304 generated unique identifier as the damaged record shall apply and be
1305 utilized by the audit officials to complete the reconciliation. The
1306 reconciliation sheet shall be open to public inspection and may be used
1307 as prima facie evidence of a discrepancy in any contest arising
1308 pursuant to chapter 149 of the general statutes. If the audit officials are
1309 unable to reconcile the manual count with the electronic vote
1310 tabulation and discrepancies, the Secretary of the State shall conduct
1311 such further investigation of the voting machine malfunction as may
1312 be necessary for the purpose of reviewing whether or not to decertify
1313 the voting machine or machines and may order a recanvass in
1314 accordance with the provisions of subdivision (4) of this section.

1315 Sec. 31. (NEW) (*Effective July 1, 2005*) Notwithstanding the
1316 provisions of title 9 of the general statutes, if a candidate is elected to
1317 two or more offices in a municipality at the same election and is
1318 prohibited by any provision of the general statutes, a charter or an
1319 ordinance from holding more than one such office, the candidate shall
1320 notify the registrars of voters and the municipal clerk of the office to
1321 which the candidate declines election, and the candidate for such office
1322 who receives the next highest number of votes at such election shall be
1323 deemed to have been elected to such office.

1324 Sec. 32. Subdivision (1) of section 9-450 of the general statutes, as
1325 amended by section 3 of substitute senate bill 55 of the current session,
1326 is repealed and the following is substituted in lieu thereof (*Effective*
1327 *from passage*):

1328 [(1) In the case of a vacancy in the office of representative in
1329 Congress or judge of probate in a probate district composed of two or
1330 more towns, provided for in sections 9-212 and 9-218, the day named
1331 for the election shall be not earlier than the sixty-third day following
1332 the day on which the Governor issues writs of election. If such a
1333 vacancy occurs between the one hundred twenty-fifth day and the
1334 sixty-sixth day before the day of a regular state election, the Governor
1335 shall issue such writs on the sixty-third day before the day of such
1336 state election, ordering an election to be held on the day of such state
1337 election. If such a vacancy occurs after the sixty-sixth day before the
1338 day of a regular state election but before the Wednesday following the
1339 first Monday of January of the succeeding year, the Governor shall not
1340 issue such writs and no election shall be held under sections 9-212 and
1341 9-218 and this subdivision, unless the position vacated is that of
1342 member-elect, in which case the Governor shall issue such writs and
1343 an election shall be held as provided in said sections and this
1344 subdivision. The delegates to the district convention held for the
1345 purpose of nominating a candidate for the office of representative in
1346 Congress or judge of probate in a probate district, as the case may be,
1347 for the last state election shall be the delegates for the purpose of
1348 selecting a candidate to fill such vacancy. If a vacancy occurs in the

1349 delegation from any town, political subdivision or district, such
1350 vacancy may be filled by the town committee of the town in which the
1351 delegate resided. Nominations by political parties pursuant to this
1352 section may be made and certified at any time after the vacancy in the
1353 office of representative in Congress or judge of probate and not later
1354 than the thirty-fifth day before the day of the election. No primary
1355 shall be held for the nomination of any political party to fill any
1356 vacancy in the office of representative in Congress or judge of probate
1357 and the party-endorsed candidate so selected shall be deemed, for the
1358 purposes of chapter 153, the person certified by the Secretary of the
1359 State under section 9-444 as the nominee of such party.]

1360 (1) In the case of nominations for representatives in Congress and
1361 judges of probate in probate districts composed of two or more towns,
1362 provided for in sections 9-212 and 9-218, if the writs of election are
1363 issued by the Governor on or before the twenty-first day of May in an
1364 even-numbered year and the election is to be held on the day of the
1365 state election in such year, the state central committee or other
1366 authority of each party shall, not later than the twenty-fourth day of
1367 May in such year, publish notice of the date for the selection of
1368 delegates to the state or district convention to designate the party-
1369 endorsed candidate for the office to be filled. Such selection shall be
1370 made not earlier than the fifty-sixth day after publication of such
1371 notice and not later than the fifth day before the convention. If such
1372 writs of election are issued after the twenty-first day of May in such
1373 year, or if the election is to be held on any day other than the day of the
1374 state election, the day scheduled for the election shall be not earlier
1375 than the ninety-first day following the day on which such writs of
1376 election are issued. The state central committee or other authority of
1377 each party shall, not later than the eighty-fourth day preceding the day
1378 of the election, publish notice of the day for the selection of delegates
1379 to the state or district convention to designate the party-endorsed
1380 candidate for the office to be filled, which day shall be not earlier than
1381 the twenty-eighth day following such publication and not later than
1382 the fifty-sixth day preceding the day of the election. The selected

1383 delegates to such convention shall be certified to the town clerks not
 1384 later than the twenty-first day preceding the day of such primary. The
 1385 state or district convention shall be convened not earlier than the fifth
 1386 day following such primary and closed not later than the forty-ninth
 1387 day preceding the day of the election. Contesting candidacies for
 1388 nomination to the office to be filled shall be filed not later than four
 1389 o'clock p.m. on the fifth day following the close of such convention.
 1390 The Secretary of the State shall fix the day for the primary of each
 1391 party for the nomination to the office to be filled, which day shall be
 1392 not earlier than the twenty-first day following the close of such
 1393 convention and not later than the twenty-first day preceding the day of
 1394 the election.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005, and applicable to elections, primaries and referenda held on or after September 1, 2005</i>	9-135
Sec. 2	<i>July 1, 2005, and applicable to elections, primaries and referenda held on or after September 1, 2005</i>	9-140(a)
Sec. 3	<i>July 1, 2005, and applicable to elections, primaries and referenda held on or after September 1, 2005</i>	9-140
Sec. 4	<i>July 1, 2005, and applicable to elections, primaries and referenda held on or after September 1, 2005</i>	9-159q

Sec. 5	<i>July 1, 2005, and applicable to elections, primaries and referenda held on or after September 1, 2005</i>	54-56e(c)
Sec. 6	<i>July 1, 2005</i>	9-7b(a)
Sec. 7	<i>July 1, 2005</i>	9-311
Sec. 8	<i>July 1, 2005</i>	9-358
Sec. 9	<i>July 1, 2005</i>	9-360
Sec. 10	<i>July 1, 2005</i>	9-361
Sec. 11	<i>July 1, 2005</i>	9-333y
Sec. 12	<i>July 1, 2005</i>	12-15(b)
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>October 1, 2005</i>	9-241
Sec. 15	<i>January 1, 2006</i>	9-20(a)
Sec. 16	<i>January 1, 2006</i>	9-23h
Sec. 17	<i>October 1, 2005</i>	9-391(c)
Sec. 18	<i>October 1, 2005</i>	9-418
Sec. 19	<i>July 1, 2005</i>	New section
Sec. 20	<i>July 1, 2005</i>	9-192a
Sec. 21	<i>July 1, 2005</i>	9-249
Sec. 22	<i>July 1, 2005</i>	New section
Sec. 23	<i>July 1, 2005</i>	New section
Sec. 24	<i>July 1, 2005</i>	9-333j(a)
Sec. 25	<i>July 1, 2005</i>	9-46a
Sec. 26	<i>January 1, 2006</i>	9-1(y)
Sec. 27	<i>January 1, 2006</i>	9-17(a)
Sec. 28	<i>January 1, 2006</i>	9-38
Sec. 29	<i>from passage</i>	9-242(d)(5)
Sec. 30	<i>from passage</i>	SBI 55 (current session), Sec. 8(5)
Sec. 31	<i>July 1, 2005</i>	New section
Sec. 32	<i>from passage</i>	9-450(1)

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Secretary of the State	GF - Cost	Significant	Significant
Secretary of the State	GF - Revenue Gain	Minimal	Minimal
Judicial Dept.	GF - Revenue Gain	Less than \$50,000	Less than \$50,000
Judicial Dept.	GF - Cost	Potential	Potential
Elect. Enforcement Com.	GF - Revenue Gain	Minimal	Minimal
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	\$24,000	\$56,000

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
All Municipalities	STATE MANDATE - Cost	Potential	Potential

Explanation

House "A" strikes the language in the bill and the associated fiscal impact. It requires supervision at assisted living facilities by the registrar or their designees where at least 20 requests for absentee ballots were made. This state mandate will result in a workload increase to municipalities which may result in a minimal cost if the registrars have to compensate hourly employees to act as ballot supervisors.

The bill requires the Secretary of the State (SOTS) to post a notice explaining the absentee ballot provisions on their web site. The bill requires the State Elections Enforcement Commission (SEEC) to prepare and post on the web a summary of the requirements and

prohibitions of the absentee voting laws.

This bill clarifies the authority that the SEEC has with regards to imposing civil penalties against local election officials for their failure to discharge their mandatory election administration duties and to any person who illegally votes in an election, primary or referendum. The SEEC can impose a civil penalty of up to \$2,000 per violation. This extension of the liability could result in a revenue gain, which is not expected to be significant.

The bill authorizes the SEEC to handle appeals from decisions of the Board for Admission of Electors concerning an individuals right to be, or remain, on the voter list. The volume of appeals is expected to be minimal and the SEEC can handle the additional responsibilities within agency resources.

The bill increases criminal penalties for registration and voting fraud. As there are very few such offenses prosecuted resulting in conviction under current law, any revenue resulting from the bill's increase in criminal fines is expected to be minimal. To the extent that the bill increases the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exists. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

The bill increases the late fee for filing campaign finance reports to \$100 from \$55 which is expected to generate additional revenue to the SOTS of between \$10,000 - \$15,000 based on 300 late filings in 2004. The SOTS is required to send out late notices, and notify the SEEC when a deadline is missed. Individuals who fail to file statements after receiving a warning notice are subject to a fine of between \$200 and \$2,000. SEEC anticipates a revenue gain of \$10,000.

The bill establishes a Voting Technology Standards Board to adopt electronic voting technology standards that ensure the integrity of the

state's voting systems. The board shall submit a report to the GAE committee, the Governor, and the SOTS by January 16, 2006, and shall terminate upon submittal of such report. The board will incur minimal costs for printing which will be absorbed within agency resources. The bill requires that any electronic voting machine that the SOTS examines for possible use in the state complies with the standards that the board adopts.

The bill requires that all voting registration forms must provide a space for applicants to enroll in a political party if they desire. This requires the SOTS to recall, and shred all of the voter registration cards in the state and re-print 2-3 million new cards to restock all of the outlets that house these cards. Although printing voter registration cards is currently budgeted in the SOTS, there will be a one-time cost of approximately \$1 million to replenish the outlets.

The bill requires the six-member Registrars of Voters Certification Committee already charged with establishing procedures for training and certifying registrars to also develop a training program for poll workers subject to the approval of the SOTS. The SOTS is required to hire trained or former registrars to provide registrars' training, estimated to cost \$4,500 annually. The SOTS is required to establish an elections unit to coordinate this training. The unit will need 2 Elections Officers, at \$52,000 each plus fringe benefits¹, as well as supplies, computers, postage, and mileage reimbursement.

The bill changes the last day to register to vote from fourteen days prior to an election to seven days prior to an election. This is not anticipated to result in a cost to the municipalities.

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated fringe benefit reimbursement rate as a percentage of payroll is 53.91%, effective July 1, 2004. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 22.65%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

The bill allows the SOTS to approve a direct recording electronic voting machine (DRE) for purchase that does not comply with the accessibility provision if she determines that at that time no DREs are available that comply, the DRE meets all of the other standards in the bill, and the applicant contractually agrees that when the technology exists they will bring the machine into compliance. The bill states that no voting machine approved after July 1, 2007 shall be approved unless it complies with the provisions in the bill.

The bill requires a manual audit of at least two randomly selected DRE machines per assembly district or a number of DRE machines equal to fifty per cent of the number of voting districts in the municipality, whichever is less. The audit must take place within five days of each election or primary. The registrars of voters or their designees representing at least two political parties are to conduct the audit. Hourly employees may need to be compensated to conduct the audit in some municipalities.

OLR Bill Analysis

sHB 6669 (as amended by House "A")*

AN ACT CONCERNING ABSENTEE VOTING, ELECTIONS ENFORCEMENT, A VOTING TECHNOLOGY STANDARDS BOARD, NOMINATION PROCEDURES, TRAINING FOR ELECTION OFFICIALS, CAMPAIGN FINANCE REPORTING, RESTORATION OF VOTING RIGHTS AND VOTER REGISTRATION

SUMMARY:

This bill imposes more restrictions, and establishes greater accountability, in the absentee voting process.

It increases the State Elections Enforcement Commission's (SEEC) jurisdiction and powers and increases the penalties for registration and voting fraud.

It changes the process for appealing decisions made by admitting officials.

It establishes a Voting Technology Standards Board to develop standards for electronic voting systems used in this state. It adds to the accessibility standards for direct recording electronic voting machines (DREs) established by SB 55, sets deadlines for approving machines that do not meet these standards, and gives registrars an option for the number of DREs they must audit.

The bill gives residents additional time to register to vote before an election and delays, by two days, the date registrars must file supplemental voter lists with their town clerks.

It establishes a process for filling certain vacancies in municipal offices and restores the process for filling congressional and probate court vacancies that SB 55 eliminated.

The bill changes filing deadlines for certain campaign finance reports and increases penalties for missed deadlines. It makes other changes to the voter registration form and the process for filing certificates of

party endorsements.

It (1) requires registrars to certify party enrollment lists (2) prohibits them from requiring disenfranchised felons to provide proof of their discharge from custody when seeking to have their voting rights restored; and (3) requires the Registrars of Voters Certification Committee to establish a training program for poll workers and registrars.

*House Amendment "A"

1. removes a requirement for people who register and vote on the same day to vote by conditional ballot only and instead extends the last day to register before an election;
2. eliminates a requirement for a study of the conditional balloting process;
3. eliminates a provision for a candidate's joint liability for absentee voting law violations;
4. requires town clerks to keep a log of absentee ballot recipients;
5. requires distributors of five or more absentee ballot applications to register with their town clerk;
6. eliminates a task force on registrars;
7. requires the secretary of the state to post a notice on the use of absentee ballot applications;
8. requires the secretary of the state and SEEC to summarize absentee voting laws for use by candidates and political parties; and
9. adds the provisions on vacancies, DREs, and voter registry lists.

EFFECTIVE DATE: July 1, 2005, except for the provisions on (1) voting technology standards, DREs, and Congressional vacancies, which are effective upon passage; (2) absentee voting, which are effective July 1, 2005 and applicable to elections, primaries, and referenda beginning September 1, 2005; (3) voting machines and endorsed candidates,

which are effective October 1, 2005; and (4) voter registration and registration forms, which are effective January 1, 2006.

ABSENTEE VOTING (§§ 1-5)

The bill requires town clerks to keep a log of all absentee ballot applications they provide. The log must include the names and addresses of each recipient and the number of applications each received. The bill requires applications the clerks issue to be consecutively numbered and stamped or marked with the issuing municipality's name.

The bill expands registrars of voters' duty and authority to supervise absentee voting. Under the bill, supervision is mandatory at assisted living facilities where at least 20 requests are made for absentee ballots. It is permissible at other assisted living facilities and at apartment buildings or complexes where at least 20 requests are made for absentee ballots. Currently, registrars may supervise absentee voting at health care facilities for veterans or the handicapped; residential care, nursing, or rest homes; alcohol or drug treatment facilities; or infirmaries operated by educational institutions.

The bill also establishes greater accountability in the absentee balloting process.

Absentee Voting Requirements

The bill prohibits anyone from misrepresenting the requirements for voting by absentee ballot to an elector or prospective absentee ballot applicant. By law, a person may vote by absentee ballot if:

1. he is absent from his city or town of residence during all hours of voting;
2. he is ill or physically disabled;
3. the tenets of his religion forbid secular activity on the day of the primary, election, or referendum;
4. he is in active service with the armed forces of the United States; or

5. he is an election or referendum official outside of his voting district and his duties will keep him away during all hours of voting.

Registration of Application Distributors

The bill requires ballot application distributors to register with the town clerk before distributing five or more applications. The registration requirement does not apply to an applicant's designee or to people distributing applications solely to dependent relatives living in their household or to their spouse, child, or parent (immediate family).

Ballot Distribution Requirements

The bill requires ballot application distributors to file with the town clerk a list of the names and addresses of all the people who receive an absentee ballot application before the primary, election, or referendum for which the ballot was distributed. Application distributors who receive executed applications must file the executed applications with their town clerk right away.

Requirements for Mailing Unsolicited Applications

The bill prohibits candidates, party and political committees, or their agents from mailing unsolicited absentee ballot applications unless the mailing includes (1) an explanation of the eligibility requirements for voting absentee and (2) a warning that voting or attempting to vote by absentee ballot illegally carries civil and criminal penalties.

Absentee Application Notice Requirement

The bill requires the secretary of the state to conspicuously post a notice next to the absentee ballot available for downloading on her web site. The notice must state that a person may download the application for his own use or use by his immediate family or designee. The notice must also contain an advisory statement that distributors of five or more applications to others must register with their town clerk.

The bill requires the SEEC, in consultation with the secretary of the state, to prepare a summary of the absentee voting laws' requirements

and prohibitions and place it on their websites. It requires candidates and political party chairs to provide the summary to campaign and party employees and volunteers.

Absentee Voting Law Violators Ineligible for Accelerated Rehabilitation

The bill makes ineligible for accelerated rehabilitation (1) designees charged with executing an application contrary to an elector's wishes and (2) people charged with the following crimes:

1. making false statements in absentee balloting,
2. illegally executing a ballot,
3. improperly trying to ascertain how an absentee balloter cast his vote,
4. unlawfully opening or filling out a blank and signed application, or
5. willfully violating absentee balloting laws.

By law, accelerated rehabilitation participants waive their right to a speedy trial and agree to a tolling of the statute of limitations. The court places them under the supervision of the Court Support Services Division for up to two years under whatever conditions it orders. If the defendant successfully completes the program, the court dismisses the charges against him and his records are erased. If he violates a condition of the program, he is brought to trial on the original charges.

STATE ELECTION ENFORCEMENT COMMISSION (§§ 6 AND 12)

The bill expands the SEEC's jurisdiction. After a hearing, it authorizes the SEEC to impose a civil penalty of up to \$2,000 per violation (1) for local petition circulation failures, (2) on election or primary officials who fail to perform their duties with respect to elections or voting methods, or (3) on illegal voters. This penalty is in addition to criminal penalties that currently exist for violations.

The bill gives the commission the power to issue an order determining a person's qualifications as an elector after its own investigation.

It permits the revenue services commissioner to disclose necessary tax returns or return information to the SEEC when the commission makes a written request for it to investigate suspected violations of state election laws.

CRIMINAL PENALTIES FOR REGISTRATION AND VOTING FRAUD §§ 8-10)

The bill increases the criminal penalty to up to five years in prison, a \$5,000 fine, or both for anyone who makes false statements about his qualifications as an elector or uses the name of a qualified elector to fraudulently vote in a town meeting, primary, or election. It extends the penalties for (1) false statements to cover those made prior to primaries and referenda and before the SEEC and (2) fraudulent voting to cover referenda. The current criminal penalties are (1) two years in prison for false statements; (2) one year in prison and a \$500 fine for fraudulent voting by using someone else's name; and (3) up to a \$100 fine, 60 days in prison, or both for voting in a primary in violation of party enrollment requirements or in the wrong district before a primary. The bill leaves unchanged the requirement in law that all violators be disenfranchised.

APPEAL FROM DECISION ON QUALIFICATIONS AS AN ELECTOR (§ 7)

Under current law, anyone may appeal an admitting official's decision regarding a person's qualifications as an elector to the registrar of voters, or to Board for Admission of Electors if the registrar made the decision, in the town where the dispute arises. The appellant must give the registrar or board notice of the appeal and, within seven days thereafter, the registrar or board must notify the appellant of the time and place for the appeal.

The bill limits the right to appeal to people denied admission as an elector or the right to remain an elector. It prohibits an appellant-registrar from serving as a voting member on the board that hears the appeal. (Since only a person denied admission or the right to remain an elector can appeal, this provision appears to have no legal effect.) The law already prohibits the registrar whose decision is the subject of the appeal from voting on the matter.

The bill permits the aggrieved party to further appeal the decision to the SEEC. If an appeal is not filed with the commission, the registrar's or board's decision is final. An appeal to the SEEC must be in writing and filed at the SEEC's principal office within 14 days after the registrar's or board's decision. Within the same period, the appellant must also provide a copy of the appeal notice to the registrar or board that rendered the decision.

Within 10 days after receiving notice of the appeal, the initial decision maker must deliver the record of its hearing on the matter to the commission. Within 21 days after it is filed, the commission must hear the appeal as a contested case and record it. Before making a decision, the commission may review the record of the initial hearing and examine witnesses, documents, and other relevant evidence.

The commission's decision is due within 60 days after its hearing unless it needs, or grants a requesting party, an extension. The commission must get the written consent of all parties before initiating an extension.

The commission must issue an order determining the aggrieved person's qualifications as an elector. Since the commission is not an admitting official, presumably if it determines that an appellant (or aggrieved party if other than the appellant) is a qualified elector, it must order the registrars to add his name to the town's active registry list.

If the commission determines that the person is not qualified to be an elector, the bill authorizes it to order the registrars to remove his name from the town's active and inactive registry lists and any enrollment list. The person may reapply to be an elector at any time. If the reapplication is made within four years after the decision, the registrars can approve it only if they find him eligible and a substantial change in the circumstances that provided the basis for the commission's decision. The commission can impose a civil penalty of up to \$2,000 if it receives a complaint and finds that a registrar willfully, and without good cause, violated the requirement to find a substantial change in circumstances.

VOTING STANDARDS BOARD AND VOTING MACHINES (§§ 13-14 & 29-30)

Standards Board

The bill establishes a 12-member Voting Technology Standards Board to adopt electronic voting technology standards that ensure the integrity of the state's voting systems. The board must terminate by January 16, 2006, which is the deadline for it to submit its standards in a report to the Government Administration and Elections (GAE) Committee, governor, and secretary of the state.

The board's appointing authorities must appoint board members within 30 days after the bill's passage and fill vacancies in their appointments as they arise. The board must elect a chairperson and vice-chairperson from among its members.

Board members are:

1. the GAE Committee chairs and ranking members;
2. the secretary of the state or her designee;
3. the SEEC's executive director or his designee;
4. one person each from two different political parties appointed by the president of the Registrars of Voters Association of Connecticut;
5. one person each from two different political parties appointed by the president of the Connecticut Town Clerks Association, Inc.;
6. a University of Connecticut faculty member or employee with expertise in computer architecture appointed by the governor; and
7. one representative of a nonpartisan organization for government accountability appointed by the governor.

Electronic Voting Technology Standards

The standards must:

1. address accuracy;

2. protect voter anonymity;
3. maintain secret ballots, except where a voter requests assistance;
4. prevent duplicate voting on any ballot question and people from voting for more candidates for any office than there are persons to be elected to it;
5. address the equivalent of write-in votes;
6. provide for reliable backup power sources so that a system is not subject to power failures;
7. address handicapped accessibility;
8. provide a simple ballot layout that will not confuse voters;
9. allow for easy navigation of multiple-screen ballots;
10. enable voters to check and correct votes;
11. provide for voter-verified paper trails;
12. address adequate security precautions if individual voting systems are networked or if voting results will be communicated via the Internet;
13. address encryption;
14. provide adequate protection from computer viruses; and
15. provide any other standards necessary to protect the integrity of the voting systems.

Use of Standards

The bill requires that electronic voting machines the secretary of the state examines for possible use in this state comply with the standards once they are submitted.

DRE Standards

The bill adds to the accessibility standards that sSB 55 (adopted by both chambers, but not yet signed by the governor) establishes for

DREs used in state elections and primaries. It requires the DREs to comply with any accessibility standards that the secretary of the state may adopt by law.

SB 55 requires that DREs used in elections or primaries occurring on or after July 1, 2005 ensure accessibility to blind or visually impaired individuals by providing each elector with an audio description, if desired, of the contemporaneously produced individual, permanent, paper record in addition to an audio description of the electronic summary screen.

Approving DREs

The bill sets a deadline for the secretary of the state to exercise the authority sSB 55 gives her to approve a DRE for purchase or lease that does not comply with the above accessibility.

On or before June 30, 2007, she may exercise the authority under sSB 55 if (1) she determines that at that particular time no DREs are available that comply; (2) the DRE meets all of the bill's other standards; and (3) the applicant agrees, by reference in the contract, to (a) modify any previously sold or leased DRE if the secretary notifies him that modifications exist to bring the machine into compliance and (b) provide only DREs that comply with the accessibility provision after the secretary's notification. Beginning July 1, 2007, the bill prohibits any voting machine that is not in compliance with the accessibility standards from being used.

Auditing DREs

The bill gives registrars an option for the number of DREs they must audit. SB 55 requires them to conduct a manual audit, within five days after each election or primary, of at least two randomly selected DREs in each assembly district. This bill gives them the option of auditing a number of machines equal to one-half of the voting districts in each municipality if that number is less than two per district.

VOTER REGISTRATION AND VOTER LISTS (§§ 26-28)

The bill extends the last day for registrars of voters to conduct a voter registration session from 14 to seven days before an election.

By law, registrars must file a final list of registered voters with their town clerks on the second Friday before an election and a supplemental or updated list of voters transferred, restored, or added to the list before the sixth day before an election. It delays by two days, from the sixth to the fourth day, the deadline for filing the updated or supplemental lists.

FILING VACANCIES (§§ 31- 32)

The bill establishes a process for determining the holder of a municipal office when a candidate is elected to two or more offices in the same election but is prohibited by law, charter, or ordinance from holding more than one. The bill requires the candidate to notify the registrar and town clerk of the office he declines. When he does, the bill deems the next highest vote getter to be the person elected to the office.

The bill restores the current law for holding a primary before an election held to fill a vacancy in the office of U. S. representative in Congress or judge of probate in a multitown district, which SB 55 eliminated.

It eliminates the new calendar and process for filling such vacancies that SB 55 established.

CAMPAIGN FINANCE REPORTS (§§ 11 AND 24)

By law, campaign treasurers of candidate committees must file campaign finance statements with either the secretary of the state or a town clerk. The secretary of the state receives the filing for candidates for statewide, legislative, and probate court offices; otherwise the clerk of the town where the candidate is running for office receives the filing. Lobbyists file statements of contributions to, or purchases from, committees in excess of \$1,000 in 12 months with the secretary of the state.

Filing Dates

The bill requires campaign treasurers, other than those for state central committees, to file quarterly reports on the 10th, rather than 7th, of January, April, July, and October. The pre-election filing deadline remains unchanged on the 7th day preceding the regular election. The bill changes the filing deadline for state central committee reports from

January 30th to January 10th. The April 10th and July 10th deadlines remain the same.

Penalty for Failure to File on Time

The bill increases the penalty, from \$55 to \$100, for campaign treasurers and lobbyists who fail to file timely campaign finance reports. It extends the penalty to candidates who fail to file a timely statement that they have formed, or a certification that they are exempt from forming, a candidate committee.

It delays the earliest date that the penalty can attach to certifications or statements that must be filed with the secretary of the state from 21 days after the deadline to 21 days after the secretary's notice warning of a potential violation. By law, the secretary must send the notice by certified mail, return receipt requested, within 10 days after the filing deadline. The bill instead requires her to send it within 10 days after she knows or should know the deadline has passed. The bill requires the secretary to notify the SEEC of a missed deadline. Under the bill, she must notify the SEEC within 28 days after the notice if the statement or certification is not filed within the 21 days after the notice. Currently, she must notify the SEEC within 28 days after a missed deadline.

The bill applies the same knowledge standard to notices town clerks must send.

Penalty After Notice to the SEEC

Under current law, people who fail to file the statements after a warning notice are subject to a fine of up to \$1,000, up to one year in prison, or both. The bill imposes a minimum, and increases the maximum, fine. The new fine is \$200 to \$2,000.

MAJOR PARTY DESIGNATIONS ON VOTER REGISTRATION FORMS (§§ 15-16)

By law, voter registration forms, including mail-in forms, must provide a space for applicants to enroll in a political party if they wish. The bill requires any forms printed on or after January 1, 2006 to include a list of the major parties.

CERTIFIED ENDORSEMENTS OF LEGISLATIVE CANDIDATES (§§ 17-18)

The bill requires party-endorsed legislative candidates in a single-town district to file a certificate of their endorsement with the secretary of the state, rather than the town clerk. The bill leaves unchanged a requirement that (1) the chairman or presiding officer and the secretary of town committee, caucus, or convention that made the endorsement attest the certificate and (2) the candidate file the certificate by 4 p.m. on the 14th day after his endorsement.

CERTIFIED PARTY ENROLLMENT LISTS (§ 19)

The bill requires registrars of voters to certify that any party enrollment list they provide to candidates circulating petitions for nomination by the political party is the most recent and, to the registrars' best knowledge, accurate. Registrars must place the certification on the first page of the list.

RESTORATION OF VOTING RIGHTS (§ 25)

By law, felons who have not been convicted of elections-related crimes may have their voting rights restored upon satisfactory proof that they have been released from prison and completed any parole. The Department of Correction (DOC) commissioner must give these inmates a release certificate.

The law also requires the DOC commissioner, on the 15th of each month, to send the secretary of the state a list of all felons released from his custody during the preceding calendar month. The list must include each inmate's name, birth date, address, date of conviction, and crime. The secretary must send the list to the registrar of (1) each inmate's town of residence at conviction and (2) the town where she believes he was registered to vote.

The bill prohibits registrars from requiring these former inmates to submit the certificate as proof of their discharge from confinement or parole. Since registrars need proof of discharge to restore former inmates voting rights, the bill presumably prohibits registrars who have sufficient proof from requiring the certificate as a condition of restoration.

TRAINING ELECTION OFFICIALS (§§ 20-23)

Developing Training Programs

The bill requires the statutory six-member Registrars of Voters Certification Committee to develop an election procedures training program for poll workers and an election law and procedures training program and guide for registrars, deputy registrars, and assistant registrars. The committee currently establishes programs and procedures for training, examining, and certifying registrars.

Under the bill, trained or former registrars the secretary hires must provide the training. The committee must submit the programs and guide to the secretary of the state for approval. She may approve or modify them. She must establish an elections training unit to coordinate the training. At least one person with field experience in elections must staff the unit.

Officials Required to Attend Training

The bill expands the training that election officials must receive to include poll worker training as necessary for the proper conduct of elections. They must already receive training in the use of voting machines. Although neither the bill nor existing law defines “election officials,” it appears that they include poll workers and others hired to work during an election.

The bill also requires each registrar to annually designate one registrar, deputy, or assistant (but not poll worker) to receive at least 10 hours of the training developed by the registrars’ certification committee.

Voting Machine Training

By law, town clerks, registrars, moderators, and mechanics must instruct election officials on the use of voting machines before each election. The bill requires these instructors to file a report of the time, place, and people attending the instruction with the secretary of the state, in addition to the town clerk. It adds to the report the signed statements from election officials that they received the instructions.

BACKGROUND

Related Bill

sSB 55, adopted by both houses but not yet signed by the governor, establishes standards for electronic voting machines and procedures for the elections and primaries where they are used.

Legislative History

The House referred the bill (File 233) to the Planning and Development, Judiciary, Legislative Management, and Appropriations committees on April 19 and May 3, 11, and 19, respectively. The committees reported the bill favorably and without change on April 27 and May 9, 17, and 25, respectively.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 18 Nay 2

Planning and Development Committee

Joint Favorable Report

Yea 11 Nay 5

Judiciary Committee

Joint Favorable Report

Yea 24 Nay 12

Legislative Management Committee

Joint Favorable Report

Yea 16 Nay 8

Appropriations Committee

Joint Favorable Report

Yea 28 Nay 16